

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-281IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
FEBRUARY 1, 2008Codification  
District of  
Columbia  
Official Code

2001 Edition

2008 Summer  
Supp.West Group  
Publisher

To amend the District of Columbia Revenue Act of 1937 in a nonseverable manner to allow individuals who resided outside the District, who were licensed to operate a taxicab or limousine within the District within the previous 5 years and no later than March 1, 2006, and who had registered a vehicle with the Department of Motor Vehicles for use as a taxicab or limousine within the District on or before March 1, 2006 notwithstanding residency outside the District, to continue to register a vehicle within the District for use as a taxicab or limousine within the District, to require that the non-resident be charged an additional registration fee of \$100, to establish the Out-Of-State Vehicle Registration Special Fund into which the additional registration fees shall be deposited, and to direct the uses to which these fees shall be put; and to amend Title 18 of the District of Columbia Municipal Regulations to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Non-Resident Taxi Drivers Registration Amendment Act of 2008".

Sec. 2. Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01 *et seq.*), is amended as follows:

(a) Section 2(c)(5) (D.C. Official Code § 50-1501.02(c)(5)) is amended to read as follows:

Amend  
§ 50-1501.02

"(5)(A) Is domiciled in the District of Columbia; except that the person need not be domiciled in the District of Columbia if:

"(i)(I) The owner is a partnership, corporation, association, or government entity;

"(II) The vehicle is housed in the District of Columbia;

"(III) The vehicle is provided to an employee of the owner for the employee's use;

Columbia; and

"(V) The owner submits an affidavit affirming

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compliance with this paragraph and agreeing that the address on the registration certificate and in the Department of Motor Vehicles' records shall be the address of the operator and that the employee's address shall be considered the owner's address for the purpose of sending any notices required by any statute or regulation for that vehicle.

“(ii) The owner is a member of Congress and has a District of Columbia residence;

“(iii) The owner is a lessor and the vehicle is leased to a person domiciled in the District of Columbia; or

“(iv) The owner meets the requirements set forth in subparagraph (B) of this paragraph.

“(B) An owner of a vehicle need not be a resident of the District if:

“(i) The owner is an individual who holds a valid license to operate a taxicab or limousine within the District of Columbia;

“(ii) The owner held a valid license to operate a taxicab or limousine within the District of Columbia at some point during the 5 years prior to the owner's first attempt to register a vehicle under this subparagraph; provided, that the license to operate a taxicab or limousine shall have been first issued no later than March 1, 2006;

“(iii) The owner resided outside the District of Columbia on March 1, 2006;

“(iv) The owner had registered a vehicle with the Department of Motor Vehicles on or before March 1, 2006, while residing outside the District of Columbia;

“(v) The owner has no other vehicle currently registered within the District of Columbia;

“(vi) The owner is registering the vehicle for use as a taxicab or limousine within the District of Columbia; and

“(vii) The owner of the vehicle has, no later than September 28 of the year prior to first registering a vehicle under this subparagraph, registered with the Office of Tax and Revenue for business taxes by completing a tax registration form; provided, that:

“(I) The owner of the vehicle shall be permitted to register the vehicle for the 2007 year without having to undergo Clean Hands certification pursuant to D.C. Official Code §§ 47-2862 and 47-2863; and

“(II) The owner of the vehicle must meet the franchise tax filing and payment requirements as set forth in D.C. Official Code §§ 47-1805.02, 47-1807.02, and 47-1808.03 on a prospective basis for the 2007 year and subsequent years.”.

(b) Section 3 (D.C. Official Code § 50-1501.03) is amended as follows:

(1) A new subsection (b-1) is added to read as follows:

“(b-1) Non-resident taxi and limousine driver vehicle registration. In addition to any fees that may be due under any other statute or regulation, a driver who was exempted from the residency requirements to register a vehicle within the District of Columbia under section

Amend  
§ 50-1501.03

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2(c)(5)(B) shall be charged an additional fee of \$100.”.

(2) Subsection (d) is amended to read as follows:

“(d) The proceeds from fees payable under this act shall be paid into the General Fund of the District of Columbia as established by the Revenue Funds Availability Act of 1975, effective January 22, 1976 (D.C. Law 1-42; 22 DCR 6318), except that fees collected under subsection (b-1) of this section shall be paid into the Out-of-State Vehicle Registration Special Fund as established by section 3a.”.

(c) A new section 3a is added to read as follows:

“Sec. 3a. Out-Of-State Vehicle Registration Special Fund.

“(a)(1) There is established as a nonlapsing fund the Out-Of-State Vehicle Registration Special Fund (“Fund”). The Fund shall be administered by the Office of the Director of the Department of Motor Vehicles.

“(2) All funds collected from the registration of a motor vehicle by a person not domiciled in the District of Columbia in excess of the funds that would have been collected from the registration of an equivalent motor vehicle by a person domiciled in the District of Columbia shall be deposited into the Fund.

“(3) All funds deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section, subject to authorization by Congress.

“(b)(1) The first \$25 of each registration fee deposited into the Fund shall be used for programs encouraging residents of the District of Columbia to pursue careers as a driver of a limousine or taxicab, or, if the Chairperson of the District of Columbia Taxicab Commission considers another use to be in the best interests of the proper regulation of the taxicab and limousine industries of the District of Columbia, to such other use.

“(2) Any revenues in excess of those required to be distributed in paragraph (1) of this subsection shall be used by the Department of Motor Vehicles to defray the costs of operating the Fund, including such costs as may arise from determining whether an out-of-state vehicle is permitted to register in the District of Columbia at a higher rate than those charged to an equivalent vehicle owned by a District of Columbia resident; provided, that no revenues in excess of the actual costs of operating the Fund shall be used for this purpose.

“(3) Any revenues in excess of those required to be distributed by paragraphs (1) and (2) of this subsection shall be used for the operational or capital needs of the District of Columbia Taxicab Commission.”.

Sec. 3. Section 412.1(m) of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 412.1(m)), is amended to read as follows:

DCMR

“(m) If a person is not domiciled in the District of Columbia, unless the owner is exempted from the domicile requirement under section 2(c)(5) of the District of Columbia

## ENROLLED ORIGINAL

Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.02(c)(5)).”.

Sec. 4. Nonseverability.

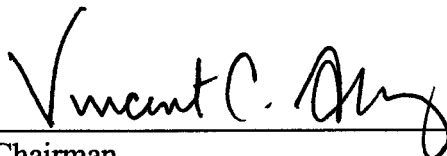
If any provision of section 2, or its application to any person or circumstance, is held to be unconstitutional, beyond the statutory authority of the Council, or otherwise invalid, then all provisions of this act shall be deemed invalid.

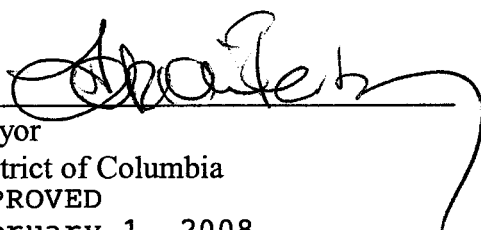
Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
February 1, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-282

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 1, 2008Codification  
District of  
Columbia  
Official Code

2001 Edition

2008 Summer  
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Publisher

To amend the District of Columbia Health Occupations Revisions Act of 1985 to regulate the practice of pharmaceutical detailing, to prohibit certain actions by pharmaceutical detailers, and to set licensure qualifications for pharmaceutical detailers; to amend the Department of Health Functions Clarification Act of 2001 to establish the Board of Pharmacy Fund for the purpose of supporting the administration of the Board of Pharmacy; to require a prescriber to make every reasonable effort to provide a patient with information about off-label use of medication; to prohibit gifts or remuneration of any kind from a pharmaceutical company to a member of a medication advisory committee; to establish a pharmaceutical education program within the Department of Health; and to require the Department of Health to submit a comprehensive evaluation on the effectiveness of this act to the Council in 2010.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "SafeRx Amendment Act of 2008".

#### TITLE I - PHARMACEUTICAL DETAILERS

Sec. 101. Short title.

This title may be cited as the "Pharmaceutical Detailers Amendment Act of 2008".

Sec. 102. The District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) The table of contents is amended by adding the following after "Sec. 702. Waiver of examination."

"TITLE VII-A. QUALIFICATIONS FOR LICENSURE TO PRACTICE  
PROFESSIONAL COUNSELING; TRANSITION OF PROFESSIONAL  
COUNSELORS; WAIVER OF LICENSURE REQUIREMENTS.

"Sec. 710. Qualifications for licensure.

"Sec. 711. Transition of professional counselors.

"Sec. 712. Waiver of licensure requirements.

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"TITLE VII-B. WAIVER OF LICENSURE REQUIREMENTS  
FOR RESPIRATORY CARE PRACTITIONERS.

- "Sec. 721. Waiver of licensure requirements--Demonstration of performance.  
"Sec. 722. Waiver of licensure requirements--Meeting educational requirements.  
"Sec. 723. Eligibility for license renewal.

"TITLE VII-C. WAIVER OF LICENSURE REQUIREMENTS  
FOR MASSAGE THERAPISTS.

- "Sec. 731. Waiver of licensure requirements--Demonstration of performance.  
"Sec. 732. Waiver of licensure requirements--Meeting educational requirements.  
"Sec. 733. Eligibility for license renewal.

"TITLE VII-D

"PHARMACEUTICAL DETAILERS; SCOPE OF PRACTICE;  
QUALIFICATIONS FOR LICENSURE; WAIVER OF LICENSURE REQUIREMENTS;  
CONTINUING EDUCATION; PENALTIES.

- "Sec. 741. Scope of practice.  
"Sec. 742. Qualifications for licensure.  
"Sec. 743. Waiver of licensure requirements.  
"Sec. 744. Continuing education.  
"Sec. 745. Penalties."

(b) Section 102 (D.C. Official Code § 3-1201.02) is amended by adding a new paragraph (10A) to read as follows:

Amend  
§ 3-1201.02

"(10A)(A) "Practice of pharmaceutical detailing" means the practice by a representative of a pharmaceutical manufacturer or labeler of communicating in person with a licensed health professional, or an employee or representative of a licensed health professional, located in the District of Columbia, for the purposes of selling, providing information about, or in any way promoting a pharmaceutical product.

"(B) For the purposes of this paragraph, the term:

"(i) "Labeler" means an entity or person that receives pharmaceutical products from a manufacturer or wholesaler and repackages them for later retail sale and that has a labeler code from the federal Food and Drug Administration under 21 C.F.R. § 207.20.

"(ii) "Manufacturer" means a maker of pharmaceutical products and includes a subsidiary or affiliate of a manufacturer.

"(iii) "Pharmaceutical product" means a drug or biologic regulated by the federal Food and Drug Administration."

(c) Section 208(b) (D.C. Official Code § 3-1202.08(b)) is amended as follows:

Amend  
§ 3-1202.08

(1) Designate the existing text as paragraph (1).

(2) The newly designated paragraph (1) is amended by striking the phrase "of pharmacy" and inserting the phrase "of pharmacy and the practice of pharmaceutical detailing"

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in its place.

(3) A new paragraph (2) is added to read as follows:

“(2) The Board is authorized to:

“(A) Establish a code of ethics for the practice of pharmaceutical detailing; and

“(B) Collect information from licensed pharmaceutical detailers relating to their communications with licensed health professionals, or with employees or representatives of licensed health professionals, located in the District.”.

(d) Section 409 (D.C. Official Code § 3-1204.09) is amended to read as follows:

Amend  
§ 3-1204.09

“(a) Except as provided in subsection (b) of this section, the Mayor is authorized to establish a fee schedule for all services related to the regulation of all health occupations under this act, in accordance with the requirements of District law.

“(b)(1) The fee for the issuance of a medical license shall be set by the Board of Medicine; provided, that the fee shall be no less than \$500 and shall be sufficient to fund the programmatic needs of the Board.

“(2) The fee for the issuance of a license to practice pharmaceutical detailing shall be set by the Board of Pharmacy.”.

(e) Section 501 (D.C. Official Code § 3-1205.01) is amended by striking the word “pharmacy” and inserting the phrase “pharmaceutical detailing, pharmacy” in its place.

Amend  
§ 3-1205.01

(f) Section 510(b) (D.C. Official Code § 3-1205.10(b)) is amended to read as follows:

“(b) The Mayor may establish by rule continuing education requirements as a condition for renewal of licenses under this section; provided, that the Mayor shall:

Amend  
§ 3-1205.10

“(1) Require that any continuing-education requirements for the practice of medicine include instruction on pharmacology, which shall:

“(A) Be evidence-based;

“(B) Provide physicians with information regarding the cost-effectiveness of pharmacological treatments; and

“(C) Not be financially supported by any pharmaceutical company or manufacturer; and

“(2) Establish continuing-education requirements for the practice of pharmaceutical detailing, in accordance with section 745.”.

(g) A new Title VII-D is added to read as follows:

“TITLE VII-D

“PHARMACEUTICAL DETAILERS; SCOPE OF PRACTICE;  
QUALIFICATIONS FOR LICENSURE; WAIVER OF LICENSURE REQUIREMENTS;  
CONTINUING EDUCATION; PENALTIES.

“Sec. 741. Scope of practice.

“(a) An individual shall be licensed by the Board of Pharmacy before engaging in the practice of pharmaceutical detailing in the District of Columbia.

“(b) A pharmaceutical detailer shall not:

“(1) Engage in any deceptive or misleading marketing of a pharmaceutical

product, including the knowing concealment, suppression, omission, misleading representation, or misstatement of any material fact;

“(2) Use a title or designation that might lead a licensed health professional, or an employee or representative of a licensed health professional, to believe that the pharmaceutical detailer is licensed to practice medicine, nursing, dentistry, optometry, pharmacy, or other similar health occupation, in the District of Columbia, unless the pharmaceutical detailer currently holds such a license; or

“(3) Attend patient examinations without the consent of the patient.

“Sec. 742. Qualifications for licensure.

“In addition to the general qualifications for licensure set forth in this act, an individual applying for a license to practice pharmaceutical detailing shall:

“(1) Establish, to the satisfaction of the Board of Pharmacy, that he or she is a graduate of a recognized institution of higher education;

“(2) Pay the required licensure fee; and

“(3) Submit to the Board of Pharmacy a notarized statement that he or she understands and agrees to abide by the requirements for the practice of pharmaceutical detailing, including the code of ethics, as established by the Board pursuant to section 208 and in accordance with this title.

“Sec. 743. Waiver of licensure requirements.

“The Board of Pharmacy shall waive the educational requirements for an applicant for licensure as a pharmaceutical detailer who can demonstrate, to the satisfaction of the Board, that he or she has been performing the functions of a pharmaceutical detailer, as defined in this title, on a full-time, or substantially full-time, basis for at least 12 months immediately preceding the effective date of this title.

“Sec. 744. Continuing education.

“The Mayor shall establish by rule continuing-education requirements as a condition for renewal of the license to practice pharmaceutical detailing.

“Sec. 745. Penalties.

“In addition to the penalties set forth in this act, a person who practices pharmaceutical detailing without a license shall be subject to a fine of up to \$10,000.”.

Sec. 103. The Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731 *et seq.*), is amended by adding a new section 4904b to read as follows:

“Sec. 4904b. Board of Pharmacy Fund.

“(a)(1) There is established, as a nonlapsing fund in the Department of Health, the Board of Pharmacy Fund (“Fund”), to be administered by the Mayor as an agency fund, as defined in § 47-373(2)(I), into which all licensing fees, civil fines, and interest earned relating to the practice of pharmaceutical detailing, and any other funds, as directed by law, shall be deposited and used for the administration of the Board of Pharmacy.

“(2) For the purposes of this subsection, the term “practice of pharmaceutical



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detailing” shall have the same meaning as provided in section 102(11A) of the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.02(11A)).

“(b) All funds deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available to the Department of Health for the uses and purposes set forth in subsection (a) of this section, subject to authorization by Congress.”.

## TITLE II - INFORMED CONSENT

## Sec. 201. Short title

This title may be cited as the “Off-Label Informed Consent Act of 2008”.

## Sec. 202. Definitions.

For the purposes of this title, the term:

- (1) “FDA” means the federal Food and Drug Administration.
- (2) “Off-label use” means the use of a prescription drug to treat a condition that is not included in the labeling for that medication, as approved by the federal Food and Drug Administration.
- (3) “Prescriber” means a person who is licensed, registered, or otherwise authorized by the District to prescribe and administer prescription drugs in the course of a professional practice.

## Sec. 203. Off-label use of medication.

Before prescribing, administering, or furnishing a prescription medication for an off-label use, a prescriber shall make every reasonable effort to:

- (1) Explain to the patient, in easily understood terms, that the medication is not within the uses approved for that medication by the FDA; and
- (2) Provide the patient with information regarding the potential risks and side effects associated with using the medication for the off-label use.

## Sec. 204. Penalties.

Failure to comply with this title may be used by a health-occupation board as a factor when determining licensure status for a prescriber; provided, that a prescriber shall not be subject to an adverse licensure action if the Board of Medicine determines that the prescribing, administering, or furnishing of the prescription medication for the off-label use was clearly evidence-based and the common practice within the medical community.

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## TITLE III - MEDICATION ADVISORY COMMITTEES

## Sec. 301. Short title.

This title may be cited as the "Medication Advisory Committee Receiving Gifts or Remuneration Prohibition Act of 2008".

## Sec. 302. Definitions.

For the purposes of this title, the term:

(1) "Medication advisory committee" means any committee or panel that is responsible for making recommendations or decisions regarding a formulary to be used by a health program administered by the government of the District of Columbia.

(2) "Pharmaceutical company" means any entity that is engaged in, either directly or indirectly, the production, preparation, propagation, compounding, manufacturing, conversion or processing of a drug or biological product, including any person acting as its agent or representative.

## Sec. 303. Prohibition on gifts and remuneration.

(a) A pharmaceutical company shall not offer a gift or remuneration of any kind to a member of a medication advisory committee.

(b) A member of a medication advisory committee shall not accept a gift or remuneration of any kind from a pharmaceutical company.

(c) Nothing in this section shall prohibit the offering or acceptance of medication samples to members of a medication advisory committee who are licensed physicians engaged in the practice of medicine.

## Sec. 304. Penalties.

A violation of this title shall be punishable by a fine of \$1,000 per violation.

## TITLE IV - PHARMACEUTICAL EDUCATION

## Sec. 401. Short title.

This title may be cited as the "Pharmaceutical Education Program Establishment Act of 2008".

## Sec. 402. Definitions.

For the purposes of this title, the term "pharmaceutical product" shall have the same meaning as provided in section 102(10A)(B)(iii) of the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.02(10A)(B)(iii)).

## Sec. 403. Establishment of the Pharmaceutical Education Program.

(a) There is established an evidence-based Pharmaceutical Education Program ("Program") within the Department of Health. The Program shall:

## ENROLLED ORIGINAL

(1) Educate prescribers who participate in the District of Columbia Medicaid program, and other publicly funded, contracted, or subsidized health-care programs, on the therapeutic and cost-effective utilization of pharmaceutical products;

(2) Inform prescribers about pharmaceutical product marketing practices that are intended to circumvent competition from generic, other therapeutically-equivalent alternatives, or other evidence-based treatment options; and

(3) Utilize, or incorporate into the Program, other independent educational resources or models proven effective in promoting high-quality, evidenced-based, cost-effective information regarding the effectiveness and safety of pharmaceutical products.

(b) The Program shall be made available to prescribers who do not participate in the District of Columbia Medicaid program or other publicly funded, contracted, or subsidized health-care programs on a subscription basis.

(c) If approved by the Board of Medicine, the PE program may be used to satisfy continuing education requirements for the practice of medicine.

Sec. 404. Applicability.

This title shall apply upon inclusion of its fiscal effect in an approved budget and financial plan.

TITLE V. EVALUATION

Sec. 501. Short title.

This title may be cited as the "SafeRX Evaluation Act of 2008".

Sec. 502. Definitions.

For the purposes of this title, the term:

(1) "Pharmaceutical product" shall have the same meaning as provided in section 102(10A)(B)(iii) of the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.02(10A)(B)(iii)).

(2) "Practice of pharmaceutical detailing" shall have the same meaning as provided in section 102(10A) of the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.02(10A)).

Sec. 503. Evaluation.

(a) Within 60 days of September 30, 2010, the Department of Health shall submit to the Council a comprehensive evaluation on the effectiveness of this act, which shall include:

(1) The number of individuals licensed to engage in the practice of pharmaceutical detailing since the effective date of this act;

(2) The number of applicants for licensure to engage in the practice of pharmaceutical detailing not approved by the Board of Pharmacy;

(3) The number of applicants for licensure to engage in the practice of pharmaceutical detailing for whom the educational requirements were waived;

## ENROLLED ORIGINAL

- (4) An assessment of the appropriateness and efficacy of the continuing education requirements established pursuant to this act;
  - (5) The number of individuals identified as engaging in the practice of pharmaceutical detailing without a license;
  - (6) The amount of fines levied against persons charged with engaging in the practice of pharmaceutical detailing without a license;
  - (7) The total amount and origin of revenue deposited into the Board of Pharmacy Fund;
  - (8) The total amount of funds deposited into the Board of Pharmacy Fund that were used for the administration of the duties of the Board of Pharmacy;
  - (9) The number and types of penalties levied for failure to comply with the requirements of off-label use of medication as set forth in section 203;
  - (10) The number and amount of fines levied for violations as a result of pharmaceutical companies offering gifts or remuneration in violation of section 303;
  - (11) The number of persons who participated in the Pharmaceutical Education Program established by section 403;
  - (12) An assessment of the quality and effectiveness of the Pharmaceutical Education Program based on an assessment of data gathered from those who participated in the program. The data may be gathered by surveying those who participated in the program, using an evaluative instrument developed for that purpose;
  - (13) An assessment of the extent to which regulation of the practice of pharmaceutical detailing has improved the practice of selling, providing information about, or promoting a pharmaceutical product.
- (b) The evaluation may be used to determine if this act should be repealed or amended.

## TITLE VI - FISCAL IMPACT; EFFECTIVE DATE

## Sec. 601. Fiscal impact statement.

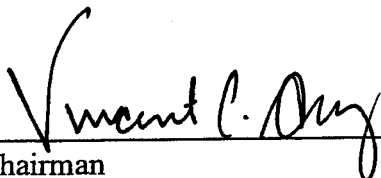
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 602. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review, as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

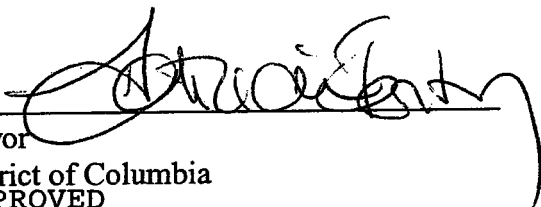
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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman

Council of the District of Columbia



Mayor

District of Columbia

APPROVED

February 1, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-283

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 1, 2008

To authorize the disposition of real property for, and the issuance of tax increment financing bonds to support a mixed-use development project on Square 441.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Disposition and Redevelopment of Lot 854 in Square 441 Approval Act of 2008".

## TITLE I. DISPOSITION

## Sec. 101. Approval of disposition.

Notwithstanding section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), the Mayor may sell Lot 854, Square 441 ("Property") as follows:

(1) To Broadcast Center Partners, LLC and Broadcast Residential Partners, LLC, in fee simple, in addition to any appurtenant easements necessary or convenient to construct improvements on the Property, pursuant to a negotiated land disposition agreement upon terms and conditions the Mayor finds to be in the best interests of the District, including the reservation of rights or the exclusion of such portions of the Property necessary or convenient for the operation of the Metrorail Station situated on the Property; and

(2) With respect to any rights or portion of the Property not conveyed pursuant to paragraph (1) of this subsection, to the Washington Metropolitan Area Transit Authority ("WMATA"), through a confirmatory deed or other fee simple transfer, the real property described in the unrecorded special warranty deed dated June 12, 1991 from RLA Revitalization Corporation to WMATA ("1991 Special Warranty Deed"), and the Mayor may include in the conveyance to WMATA any real property currently occupied or used in connection with its operations, including operation and maintenance of the Metrorail Station situated on the Property, not otherwise described in the 1991 Special Warranty Deed; provided, that, if the land square footage that WMATA requires for its operations exceeds 4,146 square feet, which was the square footage contemplated in the 1991 Special Warranty Deed, the Mayor may convey to WMATA in fee simple, by lease or easement,

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such excess land at fair market value to be determined by a standard land appraisal method.

## TITLE II. TAX INCREMENT FINANCING

## Sec. 201. Definitions.

For the purposes of this title, the term:

(1) "Authorized Delegate" means the Deputy Mayor for Planning and Economic Development, the Chief Financial Officer, the Treasurer of the District of Columbia, or any officer or employee of the executive office of the Mayor to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act.

(2) "Available Real Property Tax Revenues" means the revenues resulting from the imposition of the tax provided for in Chapter 8 of Title 47 of the District of Columbia Official Code, inclusive of any penalties and interest charges, and exclusive of the special tax, provided for in section 481 of the Home Rule Act, pledged to payment of general obligation indebtedness of the District.

(3) "Available Sales Tax Revenues" means the revenues resulting from the imposition of the tax under Chapter 20 of Title 47 of the District of Columbia Official Code, including penalty and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.08).

(4) "Available Tax Increment" means the sum of the Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the Broadcast Center One TIF Area in any fiscal year of the District minus the sum of Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the Broadcast Center One TIF Area in the base year.

(5) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(6) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this act.

(7) "Broadcast Center One TIF Area" means the real property designated as Lots 21, 66, 67, 68, 97, 814, 815, and 854, Square 441.

(8) "Council" means the Council of the District of Columbia.

(9) "Chief Financial Officer" means the Chief Financial Officer established pursuant to section 424(a)(1) of the Home Rule Act.

(10) "Chairman" means the Chairman of the Council of the District of Columbia.

(11) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the bonds, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

## ENROLLED ORIGINAL

(12) "Development costs" shall have the same meaning as in section 2(13) of the Tax Increment Financing Authorization Act of 1998, effective September 11, 1998 (D.C. Law 12-143; D.C. Official Code § 2-1217.01(13)).

(13) "Development Sponsor" means Broadcast Residential Partners, LLC, a District of Columbia limited liability company, and Broadcast Center Partners, LLC, a District of Columbia limited liability company, collectively.

(14) "District" means the District of Columbia.

(15) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds, including any offering document, and any required supplements to any such documents.

(16) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(17) "Project" means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installing, and equipping of a mixed-use project consisting of retail, commercial, and residential space, and structure parking in the Broadcast Center One TIF Area.

(18) "TIF" means tax increment financing.

(19) "TIF Note" means a note, the payment of which is secured by the pledge of Available Tax Increment.

Sec. 202. Creation of the Broadcast Center One Fund.

(a) There is established as a nonlapsing fund the Broadcast Center One Fund, which shall be used as provided in subsection (c) of this section. The Chief Financial Officer shall deposit into the Broadcast Center One Fund the Available Tax Increment and any other taxes or fees specifically designated by statute for deposit in the Broadcast Center One Fund.

(b) The Mayor may pledge and create a security interest in the funds in the Broadcast Center One Fund, or any sub-account or sub-accounts within the Broadcast Center One Fund, for the payment of the costs of carrying out any of the purposes described in subsection (c) of this section without further action by the Council as permitted by section 490(f) of the Home Rule Act. If bonds are issued, such payment will be made in accordance with the provisions of the Financing Documents entered into by the District in connection with the issuance of the bonds.

(c) The funds deposited in the Broadcast Center One Fund may be used to:

(1) Secure the repayment of the bonds; and

(2) Finance, refinance, or reimburse the District or the Development Sponsor for costs of the project.

(d) All funds deposited into the Broadcast Center One Fund, and any interest earned thereon, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (c) of this section without regard to fiscal year



## ENROLLED ORIGINAL

limitations, subject to authorization by Congress.

Sec. 203. Creation of the Broadcast Center One TIF Area.

(a) There is hereby created a TIF area designated the Broadcast Center One TIF Area. The Broadcast Center One TIF Area is defined as the real property designated as Lots 21, 66, 67, 68, 97, 814, 815, and 854, Square 441. As provided under section 202, the Available Tax Increment from the Broadcast Center One TIF Area shall be deposited in the Broadcast Center One Fund and may be used for the purposes set forth in section 202.

(b)(1) The base year for determination of Available Sales Tax Revenues from locations within the Broadcast Center One TIF Area shall be the tax year preceding the year in which this act becomes effective.

(2) The base year for determination of Available Real Property Tax Revenues shall be the tax year of the District when this act becomes effective and the initial assessed value to be used in making the determination of Available Real Property Tax Revenues shall be the assessed value of each lot of taxable real property in the Broadcast Center One TIF Area for the tax year in which this act becomes effective.

Sec. 204. Bond authorization.

(a) The Council approves and authorizes the issuance of one or more series of bonds in an aggregate amount not to exceed \$8 million to fund costs of the project, the financing costs and costs of issuance, capitalized interest, establishment of debt service or other reserve funds related to the bonds, and any other debt program-related costs as determined by the Chief Financial Officer. The amount of \$6.5 million shall be allocated to the Development Sponsor for development costs.

(b) The bonds, which may be issued from time to time, in one or more series, shall be tax-exempt or taxable as the Mayor shall determine and shall be payable from and secured by the Available Tax Increment and other funds deposited in the Broadcast Center One Fund.

(c) The Mayor is authorized to pay from the proceeds of the bonds the costs and expenses of issuing and delivering the bonds, including, but not limited to, underwriting, rating agency fees, legal fees, accounting fees, financial advisory fees, trustee and paying agent fees, collection agent fees, bond insurance and other credit enhancements, liquidity enhancements, printing costs and expenses,

Sec. 205. Bond details.

(a) The Mayor may take any action reasonably necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;

(2) The principal amount of the bonds to be issued and denominations of the

## ENROLLED ORIGINAL

bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the bonds, and the maturity date or dates of the bonds;

(5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;

(8) The time and place of payment of the bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied and used to accomplish the purposes of the Home Rule Act and this act;

(10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and

(11) The terms and types of credit enhancement under which the bonds may be secured.

(b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District (other than the Available Tax Increment and any other taxes and fees allocated to the Broadcast Center One Fund), do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary's manual or facsimile signature.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee or paying agent to be selected by the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a) (4) of the Home Rule Act.

(f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

(g) The bonds are declared to be issued for essential public and governmental purposes. The bonds and the interest thereon and the income therefrom, and all monies pledged or available to pay or secure the payment of the bonds, shall at all times be exempt from taxation by

## ENROLLED ORIGINAL

the District, except for estate, inheritance, and gift taxes.

(h) The District hereby pledges, covenants, and agrees with the holders of the bonds that, subject to the provisions of the Financing Documents, the District will not limit or alter the revenues pledged to secure the bonds or the basis on which such revenues are collected or allocated, will not impair the contractual obligations of the District to fulfill the terms of any agreement made with the holders of the bonds, will not in any way impair the rights or remedies of the holders of the bonds, and will not modify, in any way, the exemptions from taxation provided for in this act, until the bonds, together with interest thereon, and all costs and expenses in connection with any suit, action, or proceeding by or on behalf of the holders of the bonds, are fully met and discharged. This pledge and agreement for the District may be included as part of the contract with the holders of the bonds. This subsection constitutes a contract between the District and the holders of the bonds. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling.

(i) Consistent with section 490(a)(4)(B) of the Home Rule Act and notwithstanding D.C. Official Code § 28:9-101 *et seq.*:

(1) A pledge made, and security interest created, in respect of the bonds or pursuant to any related Financing Document shall be valid, binding, and perfected from the time the security interest is created, with or without physical delivery of any funds or any property and with or without any further action;

(2) The lien of the pledge shall be valid, binding, and perfected as against all parties having any claim of any kind in tort, contract, or otherwise against the District, whether or not such party has notice; and

(3) The security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to the security interest is recorded or filed.

Sec. 206. Issuance of the bonds.

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

(b) The bonds also may be issued as a TIF note to the Development Sponsor and may be held and used as security for debt incurred or to be incurred by the Development Sponsor, an agent of the Development Sponsor, or another party selected by the Development Sponsor.

(c) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the sale of the bonds.

(d) The Mayor is authorized to deliver executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

## ENROLLED ORIGINAL

(e) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

(f) The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), and subchapter III of Chapter 3 of Title 47 of the District of Columbia Official Code shall not apply to any contract the Mayor may from time to time enter into or the Mayor may determine to be necessary or appropriate, for purposes of this act.

Sec. 207. Payment and security.

(a) Except as may be otherwise provided in this act, the principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Broadcast Center One Fund, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, and other moneys that, as provided in the Financing Documents, may be made available to the District for payment of the bonds from sources other than the District, all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents to the trustee for the bonds pursuant to the Financing Documents.

(c) The trustee or paying agent is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

Sec. 208. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the bonds.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds, the other Financing Documents, and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

## ENROLLED ORIGINAL

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 209. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District (other than the Available Tax Increment and any other taxes or fees allocated to the Broadcast Center One Fund), shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds.

(c) No person, including, but not limited to, any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District to perform any covenant, undertaking, or obligation under this act, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 210. District officials.

(a) Except as otherwise provided in section 209(c), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this act, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

Sec. 211. Maintenance of documents.

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

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## Sec. 212. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

## TITLE III. FISCAL IMPACT AND EFFECTIVE DATE

## Sec. 301. Inclusion in the budget and financial plan.

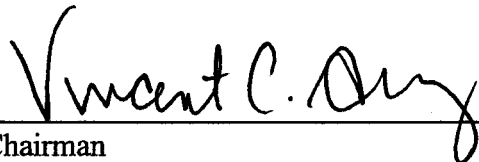
This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

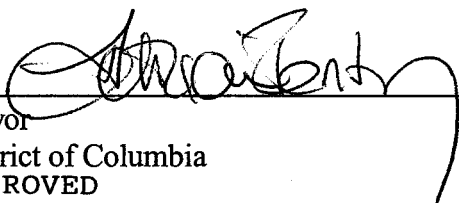
## Sec. 302. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated December 11, 2007, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 303. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
February 1, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-284

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 1, 2008*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Summer  
Supp.West Group  
Publisher

To amend, on a temporary basis, the Prevention of Child Abuse and Neglect Act of 1977 to establish that an individual with a certain criminal conviction, or who lives with other adults with certain criminal convictions, shall be disqualified from receiving a license, approval, or permission to adopt or foster a child or to otherwise have custody of a child as legal guardian, kinship caregiver, or custodian pursuant to court order under section 16-2320 of the District of Columbia Official Code, to identify a list of felony convictions for which an individual, despite a certain conviction, or the conviction of an adult living in the home of the individual, may qualify for approval, licensure, or permission to adopt or foster a child or to otherwise have custody of a child as legal guardian, kinship caregiver, or custodian pursuant to court order under section 16-2320 of the District of Columbia Official Code, if, after a discretionary agency review, a determination is made that the approval, licensure, or permission would be consistent with the health, safety, and welfare of the child, and to establish that in such cases funds that would otherwise be available under Title IV-E of the Social Security Act for adoption-assistance payments or foster-care-maintenance payments shall not be made on behalf of the child; and to amend section 16-308 of the District of Columbia Official Code to permit the court to dispense with an investigation, report, and interlocutory decree, but not a criminal records check, under specified circumstances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Adoption and Safe Families Temporary Amendment Act of 2008".

Sec. 2. Section 506 of the Prevention of Child Abuse and Neglect Act of 1977, effective June 27, 2000 (D.C. Law 13-136; D.C. Official Code § 4-1305.06), is amended as follows:

Note,  
§ 4-1305.06

(a) Subsection (b) is amended as follows:

(1) The lead-in language is amended by striking the phrase "Except as provided in subsection (d) of this section, an" and inserting the word "An" in its place.

(2) Paragraph (5) is amended by striking the phrase "homicide, assault or battery" and inserting the phrase "or homicide, but not including other physical assault or battery" in its

## ENROLLED ORIGINAL

place.

(b) Subsection (c) is amended as follows:

(1) The lead-in language is amended as follows:

(A) Strike the phrase ", or an adult residing in the home of the individual,".

(B) Strike the phrase "check that the individual" and insert the phrase "check that the individual, or an adult residing in the home of the individual," in its place.

(2) Paragraph (1) is repealed.

(c) Subsection (d) is amended to read as follows:

"(d) Notwithstanding the requirements of subsection (c) of this section, an individual may be approved, licensed, or permitted as set forth in subsection (a) of this section if:

"(1) The individual has a felony conviction for any of the offenses listed in subsection (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children; provided, that any adoption-assistance payments or foster-care-maintenance payments made on behalf of a child to an individual pursuant to this paragraph shall not be made with federal funds provided through Title IV-E of the Social Security Act, approved June 17, 1980 (94 Stat. 500; 42 U.S.C. § 670 *et seq.*); or

"(2) An adult residing in the home of the individual, but not the individual who seeks to be approved, licensed, or permitted as set forth in subsection (a) of this section, has a felony conviction for any of the offenses listed in subsection (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children.".

Sec. 3. Section 16-308 of the District of Columbia Official Code is amended to read as follows:

"§ 16-308. Investigations when prospective adoptee is adult or petitioner is spouse of natural parent.

Note,  
§ 16-308

"(a) The court may dispense with the investigation, report, and interlocutory decree provided for by this chapter when:

"(1) The prospective adoptee is an adult; or

"(2) The petitioner is a spouse of the natural parent of the prospective adoptee and the natural parent consents to the adoption or joins in the petition for adoption.

"(b) In the circumstances specified in subsection (a)(2) of this section, the petition need not contain the information concerning race and religion specified in § 16-305(4) and (5).

"(c) Nothing in this section shall be construed to waive the requirements of Title V of the Prevention of Child Abuse and Neglect Act of 1977, effective June 27, 2000 (D.C. Law



## ENROLLED ORIGINAL

13-136; D.C. Official Code § 4-1305.01 *et. seq.*), including the requirement of a fingerprint-based criminal records check."

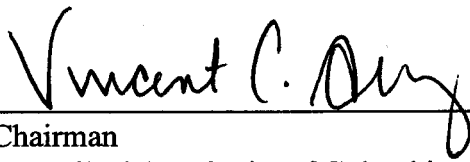
Sec. 4. Fiscal impact statement.

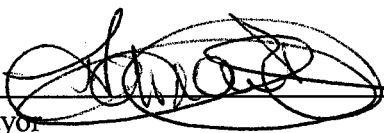
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
February 1, 2008

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 17-285IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
FEBRUARY 1, 2008*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Summer  
Supp.West Group  
Publisher

To authorize, on a temporary basis, the Mayor to establish an easy out retirement incentive program for fiscal year 2008 for the District of Columbia Public Library, an independent personnel authority under the pay authority of the Mayor.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Public Library Retirement Incentive Temporary Act of 2008".

Sec. 2. Easy out retirement incentive.

(a) Notwithstanding section 1106 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.06) ("CMPA"), the Council of the District of Columbia adopts changes to the compensation system for the Career, Excepted, Legal, and Management Supervisory Services under section 1104 of the CMPA, that authorize the Mayor to establish a retirement incentive program for certain District employees.

Note,  
§ 01-611.06

(b) The changes to the compensation system are as follows:

(1) The Mayor is authorized to establish an easy out retirement incentive program ("Easy Out Program") for eligible District of Columbia Public Library ("DCPL") employees under its independent personnel authority and the pay authority of the Mayor. The Easy Out Program may be implemented by DCPL's personnel authority during fiscal year 2008.

(2) The Easy Out Program shall be limited to employees who are:

(A) Retiring under the optional retirement provisions of 5 U.S.C. §8336(a), (b), or (f); and

(B) Who are eligible to retire with Social Security (minimum age 62).

(3) The Easy Out Program shall offer a retirement incentive of \$500 for each full year of creditable service towards retirement. The retirement incentive will be paid in a lump sum to be paid within fiscal year 2008.

(4) Retirement incentive payments shall not be considered basic pay for

## ENROLLED ORIGINAL

computing retirement entitlement, insurance entitlement, any category of premium pay entitlement, lump-sum leave, or any other entitlement that is computed on basic pay.

(5) No incentive pay shall be paid to:

(A) An employee who retires under the discontinued service/involuntary retirement provisions of 5 U.S.C. § 8336(d)(1) of the Civil Service Retirement System, or the disability retirement provisions of 5 U.S.C. § 8337;

(B) A person employed as a reemployed annuitant under the provisions of 5 U.S.C. § 8344 who separates from District service, whether or not he or she applies for a re-computation of his or her annuity;

(C) An employee who is receiving disability compensation under Title XXIII of the CMPA who retires and who elects to remain on disability compensation in lieu of retirement annuity;

(D) An employee serving under a time-limited appointment;

(E) An employee who receives a proposal or a final decision notice of removal for cause;

(F)(i) An employee who is under indictment or who is charged by information with or who has been convicted of a felony or who has been convicted after pleas of *nolo contendere* to a felony related to his or her employment duties; provided, that any employee who ultimately is acquitted or cleared of any charge that caused his or her ineligibility shall be eligible for all benefits as if that employee had never been indicted for or charged by information with a felony;

(ii) For the purposes of sub-subparagraph (i) of this sub-subparagraph, the term "felony" means an offense that is punishable by a term of imprisonment that exceeds one year or a fine of at least \$1,000;

(G) An employee who, based on conduct related to his or her employment duties, has been convicted of a misdemeanor or who has pled guilty or had been convicted after a plea of *nolo contendere* to a misdemeanor; provided, that any employee who is ultimately acquitted or cleared of any charge which caused his or her ineligibility shall be eligible for all benefits as if that employee had never been charged with a misdemeanor;

(H) An employee who retires after the designated period for retirement, as applicable; and

(I) An employee who has received written notice that his or her services are essential and are required by the agency until a specific date and who retires before the date cited in the notice.

(6) An employee who receives an incentive payment under the Easy Out Program shall not be eligible for reemployment with the District government for 5 years from the date of retirement, or hired or retained as a sole source consultant or personal services contractor for 5 years from the date of retirement, unless he or she repays the incentive received if reemployed or hired or retained as a sole source consultant or personal services contractor before the end of the 5-year period.

## ENROLLED ORIGINAL

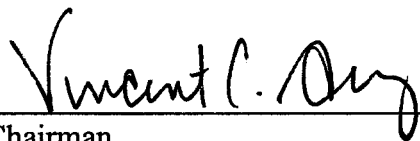
## Sec. 3. Fiscal impact statement.

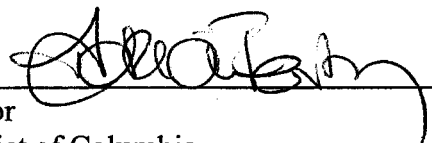
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
February 1, 2008

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 17-286

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 5, 2008*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Summer  
Supp.West Group  
Publisher

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to allow District of Columbia government employees who serve in the reserve units of the United States Armed Forces and who have been called to active duty as a result of Operation Enduring Freedom, or in preparation for or as a result of Operation Iraqi Freedom, to receive a pay differential.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Amendment Act of 2008".

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 1103(a) (D.C. Official Code § 1-611.03(a)) is amended by adding a new paragraph (7) to read as follows:

Amend  
§ 1-611.03

"(7)(A) Any full-time permanent, indefinite, or term District government employee who serves in a reserve component of the United States Armed Forces and who has been or will be called to active duty as a result of Operation Enduring Freedom, or in preparation for or as a result of Operation Iraqi Freedom, shall receive, upon application and approval, an amount that equals the difference in compensation between the employee's District government basic pay reduced by the employee's basic military pay. This amount shall not be considered as basic pay for any purpose and shall be paid for any period following the formal inception of Operation Enduring Freedom in 2001, any period following the beginning of the preparation for Operation Iraqi Freedom in 2002 and 2003, or for any period following the formal inception of Operation Iraqi Freedom in 2003, during which the employee is carried in a non-pay status from the time the employee is called into active duty, until the employee is released from active duty occasioned by any of these military conflicts.

"(B) The Mayor shall issue rules within 30 days of the effective date of the Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Amendment Act of 2008, passed on 2<sup>nd</sup> reading on January 8, 2008 (Enrolled version of Bill 17-

## ENROLLED ORIGINAL

121), to implement the provisions of this paragraph.”

(b) Section 1111(d) (D.C. Official Code § 1-611.11(d)) is amended by striking the phrase “and (6)” and inserting the phrase “and (7)” in its place.

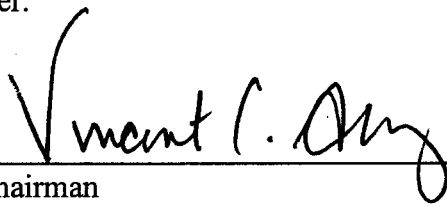
Amend  
§ 1-611.11

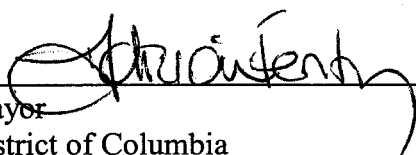
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
February 5, 2008

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-287IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
FEBRUARY 5, 2008*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Summer  
Supp.West Group  
Publisher

To establish the Minority and Women-owned Business Assessment Program within the Department of Small and Local Business Development to analyze the current state of businesses owned or controlled by minorities or women receiving contracts under the Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to survey the number of minority and women-owned or controlled businesses being awarded contracts in the current procurement system, and to complete an assessment of the current need for increasing those businesses' participation in competing for and winning government contracts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Minority and Women-Owned Business Assessment Act of 2008".

Sec. 2. Establishment of the Minority and Women-Owned Business Assessment Program.

(a) There is established the Minority and Women-Owned Business Assessment Program ("Program") within the Department of Small and Local Business Development ("Department"). The Program shall:

(1) Analyze the current state of businesses owned or controlled by minorities or women qualifying as Certified Business Enterprises ("CBE") as that term is defined in the Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective March 2, 2007 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), including counting the number of businesses that have applied for CBE certification and the number that have been certified as CBEs since the inception of the CBE program;

(2) Record and track the number of businesses owned or controlled by minorities or women that have been awarded government contracts under the procurement process utilized by the District; and

(3) Assess the findings and investigate and recommend ways to encourage businesses owned or controlled by minorities or women to compete in the procurement process utilized by the District.

(b) The Department shall submit the findings and recommendations of the Program to the Chairman of the Council's Committee on Economic Development in the form of a report or

## ENROLLED ORIGINAL

reports. Specific steps for implementing the recommendations shall accompany the report or reports.

(c) For the purposes of this act, the term "minority" shall include Asian, Pacific Islander, African American or Black, Native American or Native Hawaiian, and Hispanic or Latino.

Sec. 3. Rules.

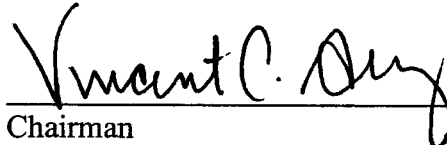
Within 90 days of the effective date of this act, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act. The proposed rules shall be submitted by the Mayor to the Council for a 45-day period of review, excluding weekends, holidays, and days of Council recess. If the Council does not approve or disapprove the rules within the 45-day review period, in whole or in part, by resolution, the rules shall be deemed approved.

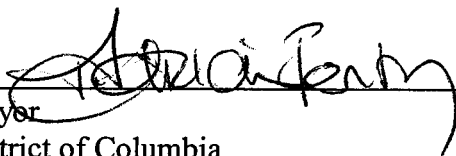
Sec. 4. Fiscal impact statement.

The Council adopts the January 7, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED

February 5, 2008  
Codification District of Columbia Official Code, 2001 Edition



## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-288IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
FEBRUARY 5, 2008*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Summer  
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Publisher

To require the Mayor to establish a comprehensive grading system for all businesses contracting with the District government, including Certified Business Enterprises, which will assess the quality of the work done by and the performance of a business pursuant to a District contract, and assign a grade to the business that will determine its participation in competing for and winning future government contracts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Excellence in Local Business Contract Grading Act of 2008".

Sec. 2. Establishment of grading system for businesses contracting with the District.

(a) The Mayor shall establish a grading system for businesses contracting with the District government to provide quality assurance of performance on District contracts and create a standard for businesses to provide high-quality goods and services to the District. The grading system, which shall be managed by the Office of Contract and Procurement in conjunction with the Department of Small and Local Business Development, shall include the following grades:

(1) A (Excellent – going above and beyond the performance stipulated in the contact);

(2) C (Satisfactory – performing as stipulated in the contract); or

(3) F (Unsatisfactory – the contractor did not complete performance as stipulated in the contract).

(b) The Office of Contracting and Procurement shall review the grading system on an annual basis.

(c) A contractor that has performed on multiple contracts with the District shall receive a cumulative grade.

(d) An annual report shall be produced and submitted to the Department of Small and Local Business Development by the Office of Contracting and Procurement pertaining to performance by contractors that are Certified Business Enterprises, as that term is defined in the Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective March 2, 2007 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

## ENROLLED ORIGINAL

(e) A business receiving a grade of "F" has the right to appeal the grade pursuant to a process to be determined by the Mayor. At the conclusion of the appeals process, a business that still has a grade of "F" will not be allowed to apply for or work on any District contract for at least one year after receiving the grade.

Sec. 3. Rules.

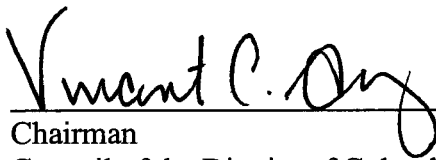
Within 90 days of the effective date of this act, the Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act. The proposed rules shall be submitted by the Mayor to the Council for a 45-day period of review, excluding weekends, holidays, and days of Council recess. If the Council does not approve or disapprove the rules within the 45-day review period, in whole or in part, by resolution, the rules shall be deemed approved.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
\_\_\_\_\_  
Chairman

Council of the District of Columbia

  
\_\_\_\_\_  
Mayor

District of Columbia  
APPROVED

February 5, 2008

Codification District of Columbia Official Code, 2001 Edition

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-289

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 5, 2008*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Summer  
Supp.West Group  
Publisher

To dissolve the boards of directors of the National Capital Revitalization Corporation and the Anacostia Waterfront Corporation, to clarify the powers, duties, and responsibilities that the Mayor and the District assume after the boards of directors are dissolved, to repeal the National Capital Revitalization Corporation Act of 1998 and the Anacostia Waterfront Corporation Act of 2004, to transfer the assets and liabilities of the corporations to the District, to create a nonlapsing operating account and segregated capital accounts for the transfer of funds from the National Capital Revitalization Corporation and Anacostia Waterfront Corporation to the District, to establish environmental, housing, and hiring standards, and a Workforce Intermediary within the Anacostia Waterfront Development Zone, to clarify that the Mayor may modify certain urban renewal plans with Council approval, to clarify that the Mayor retains the eminent domain authority of the National Capital Revitalization Corporation within the Skyland Eminent Domain Area; and to repeal the National Capital Revitalization Corporation and Anacostia Waterfront Reorganization Act of 2007; to amend the District Department of the Environment Act of 2005 to give the Department grant-making authority; to amend section 47-3801 of the District of Columbia Official Code to retain the supermarket tax incentive; and to amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to allow the Mayor to dispose of certain parcels of land without additional Council approval.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008".

## ENROLLED ORIGINAL

## TITLE I. REORGANIZATION OF NCRC AND AWC.

## Sec. 101. Dissolution of the boards of directors.

(a) The Board of Directors of the National Capital Revitalization Corporation ("NCRC") and the Board of Directors of the RLA Revitalization Corporation ("RLARC"), established by sections 4 and 30a, respectively, of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code §§ 2-1219.01 and 2-1219.31), are dissolved. The Mayor shall succeed to the powers, duties, and responsibilities of the boards of directors of the NCRC and the RLARC.

(b) The Board of Directors of the Anacostia Waterfront Corporation ("AWC"), established by section 105 of the Anacostia Waterfront Corporation Act of 2004, effective December 7, 2004 (D.C. Law 15-219; D.C. Official Code § 2-1223.05), and the boards of directors of its subsidiaries, the Southwest Waterfront Development Corporation ("SWDC") and the Southwest Waterfront Holdings Corporation ("SWHC"), are dissolved. The Mayor shall succeed to the powers, duties, and responsibilities of the board of directors of the AWC and its subsidiaries.

## Sec. 102. Transition to District control.

(a)(1) The Mayor may transfer any contract of the AWC, NCRC, or any of their subsidiaries, which include the RLARC, the SWDC, the SWHC, and the Economic Development Finance Corporation ("EDFC"), established by section 4 of the District of Columbia Economic Development Corporation Act of 1984, effective June 1984 (D.C. Law 5-89; 41 DCR 2514) (repealed by section 7 of D.C. Law 14-213, effective October 19, 2002), to the District's contracting and procurement system. Any lawful contracts of the AWC and the NCRC not transferred by the Mayor under this subsection before October 1, 2007, shall be transferred to the District's contracting and procurement system on October 1, 2007, pursuant to sections 201 and 202.

(2) Notwithstanding paragraph (1) of this subsection, any rights and obligations existing under contracts to which either the AWC or the NCRC are parties shall not transfer to the District before October 1, 2007.

(b)(1) The Mayor may hire as an employee of the District government a person who was an employee of the AWC or the NCRC, or any of their subsidiaries, on July 20, 2007.

(2) Any employee of the NCRC or the AWC, or any of their subsidiaries, who was an employee on July 20, 2007, and who is not hired by the Mayor pursuant to paragraph (1) of this subsection, shall be entitled to 4 weeks severance pay, and one month's COBRA premium for continued health care under the Consolidated Omnibus Budget Reconciliation Act of 1985, approved April 7, 1986 (Pub. L. No. 99-272; 100 Stat. 82).

(c) Any leave that an employee who is hired pursuant to this section accrued during his or her tenure with the AWC, the NCRC, or any of their subsidiaries, shall be credited to the employee once the employee is hired by the District. The accrued leave of the employee shall

## ENROLLED ORIGINAL

be allocated between sick leave and annual leave in such proportions as the Mayor considers appropriate.

(d) Each employee's length of service at the AWC or the NCRC, or any of their subsidiaries, and the employee's service with the District government, if such service was immediately prior to the employee's service with the AWC or the NCRC, shall be counted as creditable District government service for vesting in the District's retirement program and for the rate at which the employee accrues annual leave.

(e) If an employee is hired by the District government under this section and was employed by the District government immediately prior to his or her employment with the AWC or the NCRC and funds were deposited into the employee's District of Columbia retirement account during the employee's term of employment with the District government and the deposited funds lapsed from the retirement account because of a break in employment with the District government caused by the employee's service with the AWC or the NCRC, the deposited funds that lapsed shall be restored to the employee's retirement account by the District.

(f)(1) The Mayor may increase the full-time equivalent authority of the executive branch by 40 to effectuate the objectives of this act.

(2) Subject to Council approval by act, the Mayor may increase the full-time equivalent authority provided by this subsection.

(g)(1) The Mayor may transfer any unexpended balances of appropriations, allocations, income, or other funds available, including the Fiscal Year 2007 budget authority of the AWC and the NCRC, from the accounts and systems of the AWC and the NCRC to the District.

(2) All unexpended balances of appropriations, allocations, income, and other funds available, and the Fiscal Year 2007 budget authority of the AWC and the NCRC shall transfer to the District on October 1, 2007.

(3) Operating funds transferred pursuant to this subsection shall be deposited into the Economic Development Special Account established by section 301.

(4) Capital funds transferred pursuant to this subsection shall be deposited into the capital accounts established by section 302.

(h) The Mayor may transfer any property, records, rights, obligations, causes of action, legal or equitable title to any real property, or legal obligations of the NCRC and the AWC and any of their subsidiaries or predecessors in interest; provided, that all such property, records, rights, obligations, causes of action, legal and equitable title to any real property, or legal obligations under this subsection shall be transferred to the District on October 1, 2007, pursuant to sections 201 and 202.

(i) The Mayor shall prepare and submit to the Council by July 12, 2007, a transition plan for the transfer of the functions, duties, powers, records, real and personal property, liabilities, and other rights, authorities, obligations, and assets from the NCRC and the AWC to the management and control of the Mayor.

## ENROLLED ORIGINAL

Sec. 103. (a) The National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.01 *et seq.*), is repealed.

Repeal  
§§ 2-1219.01  
- 2-1219.53

(b) This section shall apply as of October 1, 2007.

Sec. 104. (a) The Anacostia Waterfront Corporation Act of 2004, effective December 7, 2004 (D.C. Law 15-219; D.C. Official Code § 2-1223.01 *et seq.*), is repealed.

Repeal  
§§ 2-1223.01  
- 2-1223.33

(b) This section shall apply as of October 1, 2007.

## TITLE II. TRANSFER OF ASSETS AND LIABILITIES.

### Sec. 201. Transfer of NCRC assets and liabilities.

(a) On October 1, 2007:

(1) Legal and equitable title to all real property, personal property, capital, and intangible assets of the NCRC, the RLARC, the EDFC, and any of their subsidiaries, shall transfer, vest, and be titled, in the name of the District, and the Mayor may exercise any disposition authority related to the property that was previously approved by the Council.

(2) All property, records, and unexpended balances of appropriations, allocations, income, and other funds available to the NCRC, the RLARC, the EDFC, and any of their subsidiaries, shall transfer to the District.

(3) The unexpended balances of appropriations, allocations, income, and other funds available to the NCRC, the RLARC, the EDFC, and any of their subsidiaries, shall transfer to the Economic Development Special Account pursuant to section 301 or to the capital accounts pursuant to section 302.

(4) All lawful existing contractual rights and obligations, except employment contracts, of the NCRC, the RLARC, the EDFC, and any of their subsidiaries, shall transfer to the District, which shall assume all rights, duties, liabilities, and obligations as a successor in interest.

(5) All other existing rights and obligations, including all lawful contractual rights and obligations, and all causes of actions of the NCRC, the RLARC, the EDFC, and any of their subsidiaries, shall transfer to the District.

(b) Any existing contracts transferred to the District under this section or section 102(a) shall not be subject to the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*).

(c) All real property and other assets transferred pursuant to this section or section 102 that are subject to a Community Development Block Grant ("CDBG") subrecipient agreement with the Department of Housing and Community Development shall continue to be subject to the applicable subrecipient agreement and CDBG regulations.

(d) No existing lawful contract or other lawful legal obligation of the NCRC, the RLARC, the EDFC, and their subsidiaries transferred pursuant to subsection (a) of this section or pursuant to section 102 shall be abrogated or impaired by the repeal of the National Capital

## ENROLLED ORIGINAL

Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.01 *et seq.*).

(e) Nothing in this section or section 102 shall impair the obligations, commitments, pledges, covenants, or the security made or provided by the NCRC, the RLARC, the EDFC, or any or their subsidiaries, the Chief Financial Officer, or the Department of Housing and Community Development.

Sec. 202. Transfer of AWC assets and liabilities.

(a) On October 1, 2007:

(1) Legal and equitable title to all real property, personal property, capital, and intangible assets of the AWC, the SWDC, the SWHC, and any of their subsidiaries, shall transfer, vest, and be titled in the name of the District and the Mayor may exercise any disposition authority related to the property that was previously approved by the Council.

(2) All property, records, and unexpended balances of appropriations, allocations, income, and other funds available to the AWC, the SWDC, and the SWHC, and any of their subsidiaries shall transfer to the District.

(3) The unexpended balances of appropriations, allocations, income and other funds available to the AWC, the SWDC, the SWHC, and any of their subsidiaries shall transfer to the Economic Development Special Account pursuant to section 301 or to the capital accounts pursuant to section 302.

(4) All lawful existing contractual rights and obligations of the AWC, the SWDC, the SWHC, and any of their subsidiaries, except employment contracts, shall transfer to the District, which shall assume all rights, duties, liabilities, and obligations as a successor in interest.

(5) All other existing rights and obligations, including all lawful contractual rights and obligations, and all causes of actions of the AWC, the SWDC, and the SWHC, any or their subsidiaries, shall transfer to the District.

(b) Existing contracts transferred to the District under this section or section 102(a), or contracts entered into under a solicitation continued under section 203, shall not be subject to the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*).

(c) All real property and other assets transferred pursuant to this section or section 102 that are subject to a CDBG subrecipient agreement with the Department of Housing and Community Development shall continue to be subject to the applicable subrecipient agreement until the agreement is amended or terminated or expires and shall be subject to applicable CDBG regulations.

(d) No existing lawful contract or other lawful legal obligation of the AWC, the SWDC, the SWHC, and any of their subsidiaries, transferred pursuant to subsection (a) of this section, shall be abrogated or impaired by the repeal of the Anacostia Waterfront Corporation Act of

## ENROLLED ORIGINAL

2004, effective December 7, 2004 (D.C. Law 15-219; D.C. Official Code § 2-1223.01 *et seq.*).

(e) Nothing in this section or section 102 shall impair the obligations, commitments, pledges, or covenants, or the security made or provided by the AWC, the SWDC, the SWHC, any of their subsidiaries, the Chief Financial Officer, or the Department of Housing and Community Development.

Sec. 203. Continuation of ongoing procurement process.

The Mayor may enter into a contract based upon a solicitation, including a request for proposals, request for qualifications, or request for expressions of interest, issued by the NCRC or the AWC before October 1, 2007.

### TITLE III. ECONOMIC DEVELOPMENT SPECIAL ACCOUNT.

Sec. 301. Economic Development Special Account.

(a) There is established as a nonlapsing account within the General Fund of the District of Columbia the Economic Development Special Account ("Account"), which shall be used solely for the purposes set forth in this section.

(b)(1) Deposits into the Account shall include:

(A) All operating funds transferred from the Anacostia Waterfront Corporation Enterprise Fund, established by section 114 of the Anacostia Waterfront Corporation Act of 2004, effective December 7, 2004 (D.C. Law 15-219; D.C. Official Code § 2-1223.14);

(B) All operating funds transferred from the National Capital Revitalization Corporation Enterprise Fund, established by section 9 of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.08);

(C) All fees, revenues, and other income from real property or other assets formerly under the authority of the NCRC or the AWC, or any of their subsidiaries, which include RLARC, SWDC, SWHC, and EDFC;

(D) Funds authorized by an act of Congress, reprogramming, or intra-District transfer to be deposited into the Account;

(E) Any other monies designated by law or regulation to be deposited into the Account; and

(F) Interest on money deposited in the Account.

(2) Funds deposited into the Account pursuant to this subsection shall be maintained in segregated sub-accounts associated with each revenue source as the Chief Financial Officer determines to be necessary.

(3) The funds deposited into the Account shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsections



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(c) and (d) of this section, subject to authorization by Congress.

(c) Monies credited to the Account shall be allocated annually to the Office of the Deputy Mayor for Planning and Economic Development in an aggregate amount that is equal to the total deposits and earnings that are estimated to remain unspent in the Account at the end of the preceding fiscal year plus all deposits and earnings that are estimated to be received during the fiscal year for which the allocation is made.

(d) Monies may be used to pay the costs of operating and administering properties and programs under the authority of the Deputy Mayor for Planning and Economic Development, including properties and programs formerly operated and administered by the NCRC and the AWC, to provide economic development assistance, including the provision of grants, loans, and credit support or enhancement, and to implement other programs, projects, and initiatives that:

(1) Are consistent with and in furtherance of the economic development goals or activities of the District;

(2) Further meeting the requirements of providing jobs for District residents creating affordable housing, and restoring the District's waterways pursuant to Title IV;

(3) Support the development of a workforce intermediary pursuant to section 403; or

(4) Facilitate the implementation of the environmental standards pursuant to subtitle B of Title IV.

(e)(1) Fees, revenue, and other income that otherwise would be deposited into the Account under this section, but that are subject to Community Development Block Grant regulations shall be deposited into a segregated sub-account designated for Community Development Block Grant funds and shall be subject to applicable reporting to the United States Department of Housing and Urban Development.

(2) The funds in the segregated sub-account shall be included as a segregated line item in the budget of the Department of Housing and Community Development that the Mayor is required to submit to the Council pursuant to section 442 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.42), and shall be designated for the use of the Deputy Mayor for Planning and Economic Development consistent with the requirements of the Community Development Block Grant Program.

#### Sec. 302. Capital accounts.

(a) Any capital funds of the AWC and the NCRC transferred to the District government shall be transferred to segregated accounts in the General Capital Improvements Fund, which shall be designated specifically for capital projects of the former AWC and NCRC.

(b) The segregated accounts shall be under the expenditure authority of the Deputy Mayor for Planning and Economic Development.

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## TITLE IV. ANACOSTIA WATERFRONT INITIATIVE AND ENVIRONMENTAL STANDARDS.

## Subtitle A. Anacostia Waterfront Initiative and Framework Plan.

## Sec. 401. Implementation of the Framework Plan.

(a) For all projects within the Anacostia Waterfront Development Zone, the Mayor shall:

(1) Implement, induce, assist, facilitate, and coordinate implementation of the Anacostia Waterfront Framework Plan, dated November 2003, as amended or supplemented ("Framework Plan"), and any small area plans within the Anacostia Waterfront Development Zone approved by the Council;

(2) Induce, assist, and facilitate efforts to improve the environmental integrity of waterways within the Anacostia Waterfront Development Zone; and

(3) Exercise regional leadership for the restoration of the Anacostia River.

(b) The Mayor may amend or supplement the Framework Plan; provided, that a proposed amendment or supplement shall be:

(1) Made available by the Mayor to the public for a 30-day period of public review and comment; and

(2) Submitted to the Council for a 60-day period of review, excluding days of Council recess, along with a proposed resolution to approve the proposed amendment or supplement. If the Council does not approve or disapprove the proposed resolution within the 60-day period, the proposed amendment or supplement shall be deemed disapproved.

Sec. 402. Provisions applicable to development projects located within the Anacostia Waterfront Development Zone.

(a) In contracting with general contractors, developers, or construction managers on, and in providing assistance of over \$100,000 to, a development project located within the Anacostia Waterfront Development Zone, the Mayor shall require the general contractor, developer, and construction manager of the development project to engage in good faith efforts to:

(1) Procure and contract 35% of the dollar volume of its goods and services, including construction goods and services, with local, small, and disadvantaged business enterprises, with a preference for at least 10% of those enterprises located in Ward 8;

(2) Ensure that at least 51% of the new jobs created in connection with the project are filled by residents of the District, with a preference for at least 20% of those jobs designated for residents in Ward 8; and

(3) Utilize the workforce intermediary as defined in section 403 as the primary means of meeting the hiring requirement of paragraph (2) of this subsection.

(b)(1) With respect to development projects on real property owned, controlled, or disposed of by any instrumentality of the District within the Anacostia Waterfront Development

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Zone, no less than the following percentages of residential units shall be affordable at the following income levels:

(A) For ownership units, at least 15% of the units shall be affordable to moderate-income households and at least 15% of the units shall be affordable to low-income households.

(B) For rental units, at least 15% of units shall be affordable to moderate-income households and at least 15% of units shall be affordable to low-income households.

(2) For the purposes of this subsection, the term:

(A) "Affordable" means housing for which a household at the required affordability level will pay no more than 30% of its income toward gross housing costs for 50 years in the case of rental units, and 20 years for homeownership units.

(B) "Area median income" means:

(i) For a household of 4 persons, the area median income for a household of 4 persons in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development;

(ii) For a household of 3 persons, 90% of the area median income for a household of 4 persons;

(iii) For a household of 2 persons, 80% of the area median income for a household of 4 persons;

(iv) For a household of one person, 70% of the area median income for a household of 4 persons; and

(v) For a household of more than 4 persons, the area median income for a household of 4 persons, increased by 10% of the area median income for a family of 4 persons for each household member exceeding 4 persons.

(C) "Low-income household" means a household consisting of one or more persons with income equal to or less than 30% of the area median income.

(D) "Moderate-income household" means a household consisting of one or more persons with income equal to or less than 60% of the area median income and greater than 30% of the area median income.

(3) Any percentage of household income referenced in this subsection shall be determined through a direct mathematical calculation and shall not take into account any adjustments made by the United States Department of Housing and Urban Development for the purposes of the programs it administers.

Sec. 403. Workforce intermediary.

(a) The Mayor shall use a workforce intermediary as the primary means of meeting the hiring requirements of section 402(a)(2).

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(b)(1) If prior to July 20, 2007, the former AWC has selected an organization or organizations to serve as a workforce intermediary, the Mayor shall continue to use the organization or organizations as a workforce intermediary; provided, that the Mayor may select additional organizations and may terminate the use of the organization or organizations selected by the former AWC.

(2) If prior to July 20, 2007, the former AWC has not selected an organization or organizations to serve as a workforce intermediary, then by August 20, 2007, the Mayor shall issue a request for proposals designed to select an organization or organizations to serve as a workforce intermediary. Within 120 days after issuing the request for proposals, the Mayor shall select an organization or organizations to serve as a workforce intermediary.

(c) For the purposes of this section, the term "workforce intermediary" means an entity established or chosen by the Mayor, or the former AWC, that is modeled on similar, successful entities in other cities and is designed to meet the hiring goals of section 402(a)(2) by coordinating the needs and capacities of businesses that are creating new jobs in the Anacostia Waterfront Development Zone, workforce development organizations that serve residents of the District, and residents of the District who are seeking jobs in the Anacostia Waterfront Development Zone.

**Sec. 404. Definition of Anacostia Waterfront Development Zone.**

For the purpose of this title, the term "Anacostia Waterfront Development Zone" means:

- (1) Interstate 395 and all rights-of-way of Interstate 395, within the District, except for the portion of Interstate 95 that is north of D Street, N.W., and N.E.;
- (2) All land between that portion of Interstate 395 that is south of D Street, N.W., and N.E., and the Washington Channel;
- (3) All land between that portion of Interstate 395 that is south of D Street, N.W. and N.E., and the Anacostia River;
- (4) The portion of Interstate 295 that is north of the Anacostia River, within the District, and all rights-of-way of that portion of Interstate 295;
- (5) All land between that portion of Interstate 295 that is north of the Anacostia River and the Anacostia River;
- (6) The portion of the Anacostia Freeway that is north or east of the intersection of the Anacostia Freeway and Defense Boulevard and all rights-of-way of that portion of the Anacostia Freeway;
- (7) All land between that portion of the Anacostia Freeway described in paragraph (6) of this section and the Anacostia River;
- (8) All land that is adjacent to the Anacostia River and designated as parks, recreation, and open space on the District of Columbia Generalized Land Use Map, dated January 2002, except for the land that is:
  - (A) North of New York Avenue, N.E.;

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- (B) East of the Anacostia Freeway;
- (C) Contiguous to that portion of the Suitland Parkway that is south of Martin Luther King, Jr. Avenue; and
- (D) South of a line drawn along, and as a continuation both east and west of, the center line of the portion of Defense Boulevard between Brookley Avenue, S.W., and Mitscher Road, S.W.;
- (9) All land, excluding Eastern High School, that is:
  - (A) Adjacent to the land described in paragraph (7) of this section;
  - (B) West of the Anacostia River; or
  - (C) Designated as a local public facility on the District of Columbia Generalized Land Use Map, dated January 2002;
- (10) All land that is:
  - (A) South or east of that portion of Potomac Avenue, S.E., between Interstate 295 and 19th Street, S.E.; and
  - (B) West or north of the Anacostia River;
- (11) The portion of the Anacostia River within the District; and
- (12) The Washington Channel.

## Subtitle B. Anacostia Waterfront Environmental Standards.

## Sec. 451. Short title.

This subtitle may be cited as the "Anacostia Waterfront Environmental Standards Act of 2008".

## Sec. 452. Definitions.

## (a) For the purposes of this subtitle, the term:

- (1) "Applicant" shall have the same meaning as set forth in section 2(2) of the Green Building Act.
- (2) "Green Building Act" means the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*).
- (3) "LEED", "LEED-CI", "LEED-CS", and "LEED-NC" shall have the same meanings as set forth in section (2)(26), (27), (28), and (30) of the Green Building Act.
- (4) "New construction" shall have the same meaning as set forth in section 2(33) of the Green Building Act.
- (5) "Project" shall have the same meaning as set forth in section 2(35) of the Green Building Act.
- (6) "Publicly-financed" shall have the same meaning as "public financing" as set forth in section 2(38) of the Green Building Act.
- (7) "Substantial improvement" shall have the same meaning as set forth in section 2(40) of the Green Building Act.

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## Sec. 453. Applicability of subtitle.

## (a) This subtitle shall apply as follows:

- (1) To development projects located within the Anacostia Waterfront Development Zone as defined in section 404; and
  - (2) To publicly-owned or publicly-financed non-residential and residential new construction or substantial improvement projects, which are:
    - (A) Initially funded in the Fiscal Year 2008 budget or later; or
    - (B) Constructed or substantially improved:
      - (i) As a result of a property disposition by lease or sale where District-owned or District instrumentality-owned property is leased or sold to private entities; or
      - (ii) Where 15% or more of a project's total project cost is publicly financed in Fiscal Year 2009 or later.
- (b) The requirements set forth in sections 454, 455, 457, and 458 shall apply to publicly-owned or publicly-financed projects beginning on the effective date of this subtitle.
  - (c) The requirements set forth in section 456 shall apply to publicly-owned or publicly-financed projects beginning on the effective date of rules issued by the Mayor to implement section 456.
  - (d) The requirements set forth in sections 454, 455, and 457 shall apply to private projects beginning with projects for which the first building construction permit application is submitted to the Mayor after January 1, 2012.

## Sec. 454. Integrated environmental design standards.

## (a) All projects subject to this subtitle shall comply with the following integrated environmental design standards:

- (1) The applicant for the project shall engage in pre-development and on-going consultation with appropriate District officials to review the plans of the applicant to ensure compliance with the standards imposed by this subtitle.
- (2) The applicant for the project shall retain a LEED-accredited professional or maintain an experienced LEED-accredited member on-staff.
- (3) The applicant for the project shall prepare and submit to the Mayor a sustainability plan as a component of the concept design package, which shall identify the project approach and elements used to satisfy the requirements of this subtitle. The sustainability plan shall include an analysis of energy use, green building, site planning and preservation, and stormwater management.
- (4) The applicant for the project shall submit to the Mayor any draft or final checklists and other materials submitted to demonstrate LEED, Green Communities, and ENERGY STAR compliance.

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## Sec. 455. Green building standards.

(a) All projects subject to this section shall comply with the following green building standards:

(1) Non-residential new construction or substantial improvement projects shall:

(A) Fulfill or exceed the LEED-NC 2.2 or LEED-CS 2.0 standard at the gold level;

(B) Fulfill or exceed the LEED-CI standard at the gold level for improvements to interiors of new or existing non-residential buildings;

(C) Comply with the ENERGY STAR requirements of the Green Building Act and, in addition:

(i) Achieve 85 points on the Environmental Protection Agency national energy performance rating system; and

(ii) Be designed to be 30% more energy efficient than required by ASHRAE 90.1 2004, or a later standard adopted by the Mayor pursuant to section 461; and

(D) Provide ENERGY STAR Benchmark and Target Finder scores and ENERGY STAR statements to the District Department of the Environment ("DDOE") and the Department of Consumer and Regulatory Affairs ("DCRA") within 60 days after the scores are generated; and

(2)(A) Residential new construction and substantial improvement projects shall:

(i) Fulfill or exceed the LEED-NC 2.2 standard or LEED-CS 2.0 standard at the silver level; and

(ii) Achieve the ENERGY STAR label and be 30% more energy efficient than required by ASHRAE 90.1 2004, or such later standard adopted by the Mayor pursuant to section 461; and

(B) Residential new construction and substantial improvement projects may, if the project is a District-financed project that receives public financing for the purpose of assisting in the new construction or substantial rehabilitation of affordable housing, apply the Green Communities standards as an alternative to LEED for the affordable units within the project; provided, that the project shall achieve the ENERGY STAR label and be 30% more energy efficient than required by ASHRAE 90.1 2004, or a later standard adopted by the Mayor pursuant to section 461.

(b) The Mayor shall encourage developers to seek to align the project design with the greenhouse gas reduction goals in the "2030 Challenge" as adopted by the American Institute of Architects and United States Conference of Mayors.

(c) The DDOE, in coordination with the DCRA and other appropriate agencies shall, to the greatest extent practical, coordinate the implementation of the standards established by this section with implementation of the Green Building Act.

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## Sec. 456. Stormwater control standards.

(a) Private and public space, including buildings, sidewalks, streets, and lawns, within a project subject to this subtitle shall, whether or not the project discharges to separate or combined sewer systems, be designed, constructed, and maintained to comply with the following stormwater control standards:

(1) Reduce stormwater quantity by retaining and beneficially reusing on-site the stormwater generated on-site by a "1 inch in 24 hours" storm following 48 hours of dry conditions; provided, that if the DDOE determines that site conditions, including, soil or groundwater contamination, local geology, or impacts on surrounding landowners, limit the feasibility or appropriateness of on-site stormwater management, off-site mitigation or payment in lieu of mitigation may be used; provided further, that the volume treated equals 1.5 times the volume that would have been required to be treated on-site or 2 times its financial equivalent (where payment is made in lieu of mitigation);

(2) Improve stormwater quality by filtering all stormwater flowing from the project, up to the volume of a 2-year design storm, by passing the flow through a vegetated filtering medium or other on-site controls designed to remove sediment and pollutants of concern as identified in permits by the DDOE or the District of Columbia Water and Sewer Authority ("WASA"), so that the discharges will not cause or contribute to the exceedance of any water-quality standard applicable to the receiving water or cause interference or pass-through of pollutants at the Blue Plains receiving facility;

(3) Achieve the required level of stormwater control using the following methods, identified in order of preference:

(A) Vegetated controls designed to retain and beneficially use stormwater;

(B) Where compatible with groundwater protection, non-vegetated controls designed to promote infiltration;

(C) Other low-impact development practices;

(D) Collection and reuse of stormwater for on-site irrigation; and

(E) Other on-site design techniques as approved by the DDOE;

(4) Employ, where feasible, low-impact development technologies for public spaces regulated by District Department of Transportation ("DDOT");

(5) Restrict the on-site use of:

(A) Fertilizers, pesticides, and herbicides through use of an integrated pest management plan reviewed by the DDOE; and

(B) Coal tar sealants for paved surfaces;

(6) Design stormwater controls to prevent migration of stormwater into contaminated underlying soils or groundwater;

(7) Certify that remediation of contaminated soils or groundwater is either completed as part of the development or that properly functioning long-term remedial measures



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are in place;

(8) Treat any groundwater produced at a project during construction or after completion of construction to remove sediment and pollutants of concern as required by the DDOE or United States Environmental Protection Agency, depending on which agency has jurisdiction; and

(9) Require that any groundwater discharged from the site into the sanitary sewer system conform to WASA requirements designed to ensure that it will not cause or contribute to the exceedance of any water quality standard applicable to the receiving water or cause interference or pass through of pollutants at the Blue Plains receiving facility.

(b) The DDOE may:

(1) Monitor and inspect projects that are subject to the standards imposed by this subtitle for compliance with these standards; and

(2) Require appropriate monitoring, sampling, analysis, record-keeping and annual certification of ongoing compliance with the standards imposed by this subtitle.

**Sec. 457. Marina standards.**

New or existing marinas within the Anacostia Waterfront Development Zone shall comply with the program elements outlined in the Clean Marina Guidebook issued by the National Park Service. The owner or applicant for the marina shall submit a copy of its Clean Marina Checklist and any supporting documentation to the DDOE.

**Sec. 458. Site planning and preservation standards.**

Projects subject to this subtitle shall comply with the following site planning and preservation standards:

(1) The project shall be designed to ensure continued public access to the Anacostia River and associated waterways and to the Anacostia riverwalk and trail system.

(2) Existing public parks shall be preserved and the Mayor shall endeavor to minimize encroachment unless there is no feasible alternative. If the project encroaches on a public park, the encroachment shall be mitigated in kind at a minimum acreage ratio of at least 1-to-1 and the mitigation shall be of equal or greater quality than the parkland that is lost.

(3) No construction or development shall disturb delineated wetlands or land within 100 feet of delineated wetlands, which shall be maintained as a buffer, unless the DDOE and the U.S. Army Corps of Engineers both agree that construction in these areas cannot reasonably be avoided. Any impacts on wetlands approved by the DDOE shall require mitigation in-kind at a minimum acreage ratio of 3-to-1. The mitigation shall be provided on-site, unless on-site locations are unavailable or infeasible as determined by both the DDOE and the United States Army Corps of Engineers. Preference for mitigation should be given to restoring degraded wetlands or recreating former wetlands, not creating new wetlands. On-site remaining wetlands and buffers that are not impacts and off-site mitigation areas shall be

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permanently protected.

(4)(A) Streams that have been diverted into pipes or other constructed conveyances shall be daylit unless determined by the DDOE to be infeasible.

(B) For the purposes of this paragraph, the word "daylit" means the redirection of streams into above-ground channels in order to restore the streams to a more natural state and to enhance the riparian environment and ecological integrity of the Anacostia River system.

(5) The applicant shall ensure protection or creation of woodland and meadow riparian buffer zones along each bank of the Anacostia River defined in the Anacostia Waterfront Initiative Framework Plan of between 50 and 300 feet along the main channel of the Anacostia River, except where necessary to ensure public access and use of the waterfront. Development along tributary streams of the Anacostia River shall maintain a minimum riparian buffer of 25 feet. The DDOE may require a wider buffer along the channel or tributary streams where it is determined that a wider buffer zone is necessary to protect waterways.

(6) Roadways shall comply with the Anacostia Waterfront Transportation Architecture Design Standards developed by the DDOT.

(7) Applicants shall incorporate planted vegetated buffers within the right-of-way of all roadways to increase tree cover and shade, mitigate traffic noise, absorb toxic emissions, and minimize stormwater runoff at levels determined by the DDOE by rulemaking.

(8) Applicants shall ensure sufficient tree planting to provide canopy coverage within 20 years of project occupancy of 30% of non-roof impervious surfaces and 40% of overall-non-roof surfaces within the project area.

(9) Development along both sides of the Anacostia River and along associated waterways shall, unless determined by the DDOE to be infeasible, include continuous, publicly accessible trails that comply with the Anacostia Riverparks Plan and Riverwalk Design Guidelines.

(10) Applicants shall coordinate with the DDOE on any habitat restoration activity to ensure consistency with the DDOE's Wildlife Action Plan.

Sec. 459. Exemptions to requirements.

(a) The Mayor may grant, upon a showing of good cause, an exemption from a requirement of this subtitle, in whole or in part, if:

(1) There is evidence of a practical infeasibility or hardship of meeting the requirement; and

(2) The public interest would be better served by the exemption.

(b) When considering a request for an exemption, the Mayor may consider alternative measures proposed by the applicant.

(c) The Mayor shall give notice of any exemption granted pursuant to this section to the Council and affected Advisory Neighborhood Commission no less than 10 days from the date

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the exemption is granted. Notice of the exemption shall be published in the District of Columbia Register before the exemption may take effect.

Sec. 460. Relationship to Green Building Act, the Water Pollution Control Act, and other laws.

Where the environmental standards established by this subtitle differ from those in the Green Building Act, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*), the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.01 *et seq.*), or other District law or regulation, the more stringent standard shall apply.

Sec. 461. Rulemaking.

(a) The Mayor shall issue rules within 180 days of the effective date of this subtitle to implement the requirements of this subtitle.

(b) All rules promulgated under this subtitle shall be submitted to the Council for review and approval.

(c) The Mayor may revise the rules approved by the Council pursuant to subsection (b) of this section subject to Council review and approval.

**TITLE. V. URBAN RENEWAL PLANS ADMINISTERED BY THE FORMER RLA AND NCRC.**

Sec. 501. Urban renewal plans.

(a) The Mayor may, with the consent of the Council, modify the urban renewal plans for the following urban renewal areas:

(1) The Downtown Urban Renewal Area (adopted by the National Capital Planning Commission, established by section 2 of An Act providing for a comprehensive development of the park and playground system of the National Capital, approved June 6, 1924 (43 Stat. 463; D.C. Official Code § 2-1002) ("NCPC"), on January 9, 1969, and approved by the Council on January 28, 1969);

(2) The Shaw School Urban Renewal Area (adopted by the NCPC on January 9, 1969, and approved by the Council on January 28, 1969); and

(3) The Fort Lincoln Urban Renewal Area (adopted by the NCPC on May 19, 1972, and approved by the Council on July 26, 1972).

(b) The Mayor shall transmit to the Council a proposed resolution to approve a modification authorized by this section. The proposed resolution shall be submitted for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed resolution within the 45-day review period, the proposed resolution shall be deemed approved.

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## TITLE VI. EMINENT DOMAIN.

## Sec. 601. Eminent domain.

(a) The repeal of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.01 *et seq.*) ("NCRC Act"), under section 103(a) shall not impair or affect the validity of the acquisition by the NCRC or the RLARC of any properties nor shall the repeal affect the authority under which properties were previously taken, or for which condemnation proceedings were initiated, under section 20 of the NCRC Act (D.C. Official Code § 2-1219.19).

(b) Condemnation proceedings initiated by the NCRC or the RLARC under section 20 of the NCRC Act may be continued or reinstituted by the Mayor in the name of the District and the Mayor may rely upon the authority pursuant to which the NCRC or the RLARC acted as well as the findings previously made by the Council and by the NCRC or the RLARC in connection with the condemnation proceedings or the authority granted to the Mayor pursuant to D.C. Official Code § 16-1311.

## Sec. 602. Further exercise of eminent domain at Skyland Shopping Center.

(a) The Council affirms the findings made in section 2 of the National Capital Revitalization Corporation Eminent Domain Clarification and Skyland Eminent Domain Approval Amendment Act of 2004, effective April 5, 2005 (D.C. Law 15-286; 52 DCR 859) ("Skyland Eminent Domain Act").

(b) The Mayor may exercise eminent domain in accordance with the procedures set forth in subchapter II of Chapter 13 of Title 16 of the District of Columbia Official Code to acquire properties in the Skyland Eminent Domain Area for the purpose of redeveloping the Skyland Shopping Center in order to achieve the public purposes set forth in section 2(a)(15) of the Skyland Eminent Domain Act.

(c) For the purposes of this section, the term "Skyland Eminent Domain Area" means: Square 5632, Lot 1; Square 5632, Lot 3; Square 5632, Lot 4; Square 5632, Lot 5; Square 5632, Lot 802; Square 5633, Lot 800; Square 5633, Lot 801; Square 5641, Lot 0010; Square 5641, Lot 0011; Square 5641, Lot 0012; Square 5641, Lot 0013; Square 5641, Lot 0819; Square 5641N, Lot 0012; Square 5641N, Lot 0013; Square 5641N, Lot 0014; Square 5641N, Lot 0015; Square 5641N, Lot 0016; Square 5641N, Lot 0017; Square 5641N, Lot 0018; Square 5641N, Lot 0019; Square 5641N, Lot 0020; Square 5641N, Lot 0021; Square 5641N, Lot 0022; Square 5641N, Lot 0023; Square 5641N, Lot 0024; Square 5641N, Lot 0025; Square 5641N, Lot 0026; Square 5641N, Lot 0027; Square 5641N, Lot 0028; Square 5641N, Lot 0029; Square 5641N, Lot 0030; Square 5641N, Lot 0031; Square 5641N, Lot 0033; Parcel 02130052; Parcel 02130060; Parcel 02130061; Parcel 02140062; Parcel 02140088; Parcel 02140104; Parcel 02140182; Parcel 02140187; Parcel 02140189; Parcel 02140190; Parcel 02140196; and any other parcel or property located within the geographic area bounded by a line beginning at a point at the intersection of the northerly line of Good Hope Road, S.E., with the northerly line of Alabama

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Avenue, S.E., and running northwesterly along said line of Good Hope Road, S.E., extended, to intersect a point on the east line of Naylor Road, S.E.; thence northwesterly along said line of Naylor Road to a point at the northwesterly corner of Lot 801 in Square 5633; thence northeasterly along the northerly line of said lot and square to a point at the westernmost corner of Parcel 213/52; thence continuing northeasterly along the northerly line of said Parcel 213/52 to a point at the southwesterly corner of Parcel 213/60; thence northwesterly along the arc of a curve, deflecting to the right, along the westerly line of said Parcel 213/60 to a point at the northernmost corner of said Parcel 213/60; thence southeasterly along the easterly lines of said Parcels 213/60 and 213/52 to a point at the northwesterly corner of Lot 33 in Square North of Square 5641; thence easterly along the north property lines of said Lot 33 and Lots 16 through 31, both inclusive, in Square north of Square 5641 to a point at the northeast corner of said Lot 31 in said square; thence south along the east line of said Lot 31 in said square to a point at the southeast corner thereof; thence westerly along the south lines of said Lots 31, 30, 29, 28, 27, 26, 25, 24, 23 and 22 in said square to a point at the southwest corner of said Lot 22 to intersect a line drawn northwesterly from the northeast corner of Lot 12 in Square North of Square 5641; thence southeasterly along said line drawn and the east line of said Lot 12 in said square to a point at the southeast corner thereof to a point that intersects a line drawn northwesterly from the northeast corner of Lot 13 in Square 5641; thence southeasterly along said line drawn and the east line of said Lot 13 in said square to a point at the southeast corner thereof; thence southwesterly along the south property lines of Lots 13 and 12 in Square 5641 to a point that intersects a line drawn northwesterly from the northeast corner of Lot 819 in Square 5641; thence southeasterly along said line drawn and the east line of said Lot 819 in said square to a point at the southeast corner of said Lot 819 in said square, on the north line of Alabama Avenue, S.E.; and thence southwesterly along the arc of a circle deflecting to the right along said line of Alabama Avenue, to the point of beginning.

## TITLE VII. CONFORMING AMENDMENTS.

Sec. 701. Repeal of the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2007.

The National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2007, effective September 18, 2007 (D.C. Law 17-20; 54 DCR 7052), is repealed.

## Sec. 702. DDOE grants.

Section 107(10) of the District Department of the Environment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.07(10)), is amended as follows:

- (a) Insert the phrase "and grants," after the word "awards".

Amend  
§ 8-151.07

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(b) Insert the phrase ", nonprofit organizations, and community groups" after the word "businesses".

Sec. 703. Supermarket tax abatement.

(a) Chapter 38 of Title 47 of the District of Columbia Official Code is amended as follows:

(1) Section 47-3801 is amended as follows:

(A) Paragraph (1) is amended as follows:

(i) The existing language is designated as subparagraph (A).

(ii) A new subparagraph (B) is added to read as follows:

“(B) "Development" also means the new construction or substantial rehabilitation of a qualified restaurant or retail store for which building permits are issued on or after October 4, 2000. For the purposes of this sub-subparagraph, "substantial rehabilitation" means a capital investment within any 24-month period in a qualified restaurant or retail store that exceeds 50% of the adjusted basis of the building as calculated for District income tax purposes.”

(B) A new paragraph (1A) is added to read as follows:

"(1A) "Priority development area" means:

"(A) The Downtown East Area which shall consist of land within the boundary descriptions beginning at the intersection of Pennsylvania Avenue, N.W., and New Jersey Avenue, N.W., to Massachusetts Avenue, N.W.; west on Massachusetts Avenue, N.W., to 15th Street, N.W.; south on 15th Street, N.W., to Pennsylvania Avenue, N.W.; and east on Pennsylvania Avenue, N.W., to New Jersey Avenue N.W.;

"(B) The Capital City Business and Industrial Area which shall consist of land within the boundary descriptions beginning at the intersection of New York Avenue, N.E., and 9th Street, N.E., to Montana Avenue, N.E.; north on Montana Avenue, N.E., to W Street, N.E.; west on W Street, N.E., to 13th Street, N.E.; northwest on 13th Street, N.E., to Brentwood Road, N.E.; southwest on Brentwood Road, N.E., to 9th Street, N.E.; and south on 9th Street, N.E., to New York Avenue, N.E.;

"(C) The Capital City Market Area which shall consist of land within the boundary descriptions beginning at the intersection of Florida Avenue, N.E., and North Capitol Street; southeast on Florida Avenue, N.E., to 12th Street, N.E.; south on 12th Street, N.E., to H Street, N.E., west on H street, N.E., to 9th Street, N.E., and north on 9th Street, N.E., to Florida Avenue, N.E.;

"(D) The Georgia Avenue Area which shall consist of any square located on or abutting Georgia Avenue, N.W., beginning at the intersection of Florida Avenue, N. W., and north on Georgia Avenue, N.W., to Eastern Avenue, N.W.;

"(E) All land within the District that is located east of the Anacostia River or east of the Potomac River that is not within the Anacostia Waterfront;

Amend  
§ 47-3801

## ENROLLED ORIGINAL

"(F) Any District-designated Foreign Trade Zone or Free Trade Zone pursuant to 19 U.S.C.S. § 81a *et seq.*;

"(G) Any federally-approved enterprise zone or empowerment zone;

"(H) Any federally-approved enterprise community, including Target Area 1: New York Avenue/Northwest; Target Area 2: Marshall Heights; and Target Area 3: Buzzard Point/Anacostia/Congress Heights;

"(I) Any area designated as Development Zone Areas pursuant to the Economic Development Zone Incentives Amendment Act of 1989, effective October 20, 1988 (D.C. Law 7-177; D.C. Official Code § 6-1501 *et seq.*), including Alabama Avenue, D.C. Village, and Anacostia;

"(J) Any housing opportunity area, development opportunity area, or new or upgraded commercial center designated on the District of Columbia Generalized Land Use Policies Map that is part of the Comprehensive Plan;

"(K) The Transit Impact Area which shall consist of any area located within 1500 feet of a Metrorail station in any of the areas set forth in this paragraph, or within 1500 feet of a Metrorail station at a designated Metrorail Station Development Opportunity Area, as defined in the District Elements of the Comprehensive Plan of the District of Columbia;

"(L) The Minnesota Avenue area which shall consist of land within the boundary descriptions beginning from East Capitol Street, N.E., to Nannie Helen Burroughs Avenue, N.E.; the Dix Street area which shall consist of land within the boundary descriptions beginning from 58th Street, N.E., to Eastern Avenue, N.E.; the Nannie Helen Burroughs area which shall consist of land within the boundary descriptions beginning from Eastern Avenue, N.E., to 49th Street, N.E.; the Pennsylvania Avenue area which shall consist of land within the boundary descriptions beginning from Branch Avenue, S.E., to Carpenter Street, S.E.; the Benning Road area which shall consist of land within the boundary descriptions beginning from East Capitol Street, S.E., to 44th Street, N.E., from Hanna Place, S.E., to Hillside Road, S.E., and from 39th Street, S.E., to 36th Street, S.E.; and the Division Avenue area from Eads Street, N.E., to Hayes Street, N.E.; and

"(M) Any property abandoned or underutilized because of perceived or actual contamination by hazardous substances or any property in which the expansion or redevelopment of the property is complicated by perceived or actual contamination by hazardous substances."

(C) A new paragraph (1B) is added to read as follows:

"(1B) "Qualified restaurant or retail store" means a restaurant or retail store located in a priority development area."

(D) Paragraph (2) is amended by striking the phrase "as defined in § 2-1219.20".

(2) Section 47-3802 is amended by adding the phrase " , qualified restaurant, or

## ENROLLED ORIGINAL

retail store” after the phrase “qualified supermarket” wherever it appears.

Amend  
§ 47-3801

(b) Paragraphs (1)(A), (1)(C), and (2) of this section shall apply upon the inclusion of their fiscal effect in an approved budget and financial plan.

Sec. 704. Certain dispositions.

Amend  
§ 10-801

Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended by adding a new subsection (d-3) to read as follows:

“(d-3)(1) Notwithstanding subsections (a) through (d) and (e) of this section, the Mayor may dispose of the following properties:

“(A) Lots 106 and 803 in Square 442, in a manner not inconsistent with the Council's approval of the dispositions of these parcels pursuant to the Development of Small Parcels Resolution of 2006, deemed approved October 27, 2006 (Res. 16-849; 53 DCR 9376); and

“(B) Lots 848 and 849 in Square 2906 in a manner not inconsistent with the Council's approval of the dispositions of these parcels pursuant to the Disposition of Lots 848 and 849 in Square 2906 Approval Resolution of 2005, deemed approved July 2, 2005 (Res. 16-280; 52 DCR 7961).

“(2) The Mayor's authority to dispose of the properties listed in paragraph (1) of this subsection shall expire on November 5, 2009.”.

TITLE VIII. SUNSET.

Sec. 801. Sunset.

This act shall sunset on September 30, 2008, if the fiscal effect of this act has not been included in an approved budget and financial plan.

TITLE IX. FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

Sec. 901. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

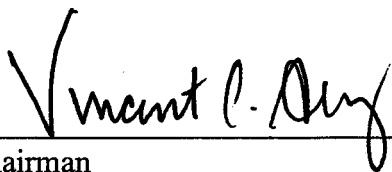
Sec. 902. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

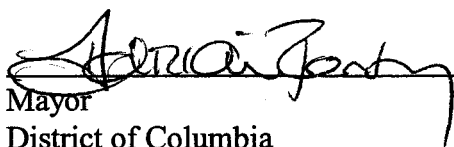


ENROLLED ORIGINAL

24, 1973 (87 Stat 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
February 5, 2008

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 17-290

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 5, 2007*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Summer  
Supp.West Group  
Publisher

To amend, on a temporary basis, Chapter 23 of Title 16 of the District of Columbia Official Code to require that factfinding hearings be conducted within specified time frames for juveniles ordered into secure detention or ordered into shelter care, and to require the Council to contract with a nonprofit organization with expertise in juvenile justice to conduct a study evaluating the impact of the required time frames upon the administration of justice in the Family Court of the Superior Court of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Juvenile Speedy Trial Equity Temporary Act of 2008".

Sec. 2. Chapter 23 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the phrase "16-2310.02. Six-month study of time frames." after the phrase "16-2310.01. Separation of young children detained prior to a hearing."

(b) Section 16-2310 is amended as follows:

(1) Subsection (e) is amended as follows:

(A) The lead-in text is amended by striking the phrase "placed in secure detention" and inserting the phrase "ordered into secure detention or ordered into shelter care" in its place.

(B) Paragraph (1) is amended to read as follows:

"(1)(A) Except as provided in subparagraph (B) of this paragraph and paragraph (2) of this subsection, whenever a child has been ordered into secure detention before a factfinding hearing pursuant to §§ 16-2310 through 16-2313, the factfinding hearing set forth in § 16-2316 shall commence not later than 30 days from the date at which the Family Court ordered the child to be detained pursuant to § 16-2312.

"(B) Except as provided in paragraph (2) of this subsection, whenever a child is charged with murder, assault with intent to kill, first degree sexual abuse, burglary in the

Note,  
§ 16-2310

## ENROLLED ORIGINAL

first degree, or robbery while armed, and the child has been ordered into secure detention before a factfinding hearing pursuant to §§ 16-2310 through 16-2313, the factfinding hearing set forth in § 16-2316 shall commence not later than 45 days from the date at which the Family Court ordered the child to be detained pursuant to § 16-2312.

"(C) Except as provided in paragraph (2) of this subsection, whenever a child has been ordered into shelter care before a factfinding hearing pursuant to §§ 16-2310 through 16-2313, the factfinding hearing set forth in § 16-2316 shall commence not later than 45 days from the date at which the Family Court ordered the child to be placed in shelter care pursuant to § 16-2312."

(C) Paragraph (2) is amended to read as follows:

"(2)(A) Except as provided in subparagraphs (B) and (C) of this paragraph, upon motion of the Attorney General, for good cause shown, the factfinding hearing of a child ordered into secure detention or a child who is ordered into shelter care may be continued, and the child continued in secure detention or shelter care, for only one additional period, not to exceed 30 days.

"(B) Upon motion of the Attorney General, for good cause shown, the factfinding hearing may be continued, and the child continued in secure detention or shelter care, for additional periods not to exceed 30 days each, if:

"(i) The child is charged with murder, assault with intent to kill, or first degree sexual abuse;

"(ii) The child is charged with a crime of violence, as defined in § 23-1331(4), committed while using a pistol, firearm, or imitation firearm; or

"(iii) Despite the exercise of due diligence by the District and the federal agency, DNA evidence, analysis of controlled substances, or other evidence processed by federal agencies has not been completed.

"(C)(i) Upon a motion by or on behalf of the child consistent with the rules of the Superior Court of the District of Columbia, the factfinding hearing of a child ordered into secure detention or a child who is ordered into shelter care may be continued for additional periods not to exceed 30 days each.

"(ii) A motion made under sub-subparagraph (i) of this subparagraph shall not be construed as a waiver of the child's speedy trial rights under this section nor under the Sixth Amendment of the United States Constitution.

"(D) Additional continuances of the factfinding hearing may be granted to the Office of Attorney General if the child is no longer in either secure detention or shelter care."

(D) Paragraph (4) is amended by striking the phrase "in secure detention shall be released from custody" and inserting the phrase "in secure detention or shelter care shall be released from custody or shelter care" in its place.

(2) A new subsection (f) is added to read as follows:

## ENROLLED ORIGINAL

"(f) No provision of this section shall be interpreted as a bar to any claim of denial of speedy trial as required by the Sixth Amendment of the United States Constitution."

(c) A new section 16-2310.02 is added to read as follows:

"§ 16-2310.02. Sixth-month study of time frames.

"(a) Subject to the availability of appropriations, the Council, no later than January 15, 2008, shall contract with a nonprofit organization with expertise in juvenile justice to conduct a 6-month study evaluating the effect upon the administration of justice in the Family Court of the Superior Court of the District of Columbia of the time frames set forth in § 16-2310(e) for conducting factfinding hearings for children ordered into secure detention or ordered into shelter care. The study shall be done in consultation with the Council, the Superior Court of the District of Columbia, the Attorney General for the District of Columbia, the District of Columbia Department of Youth Rehabilitation Services, and the Public Defender Service of the District of Columbia.

"(b) The study shall review:

"(1) The length of time that children spend in both secure detention and shelter care awaiting a plea or factfinding hearing;

"(2) The length of time that children spend in both secure detention and shelter care awaiting disposition after a factfinding hearing;

"(3) The length of time children ordered to shelter care spend in secure detention while on the shelter home waiting list;

"(4) The effect, if any, the provisions of § 16-2310(e) have on the rate at which children ordered into secure detention and children ordered into shelter care have their factfinding hearings;

"(5) Causes for delays in case processing for children ordered into secure detention and children ordered into shelter care, including the frequency of and reasons for continuances; and

"(6) The impact the time frames for conducting factfinding hearings set forth in § 16-2310(e) have on public safety.

"(c) The study shall:

"(1) Identify barriers to compliance with the time frames for conducting factfinding hearings set forth in § 16-2310(e);

"(2) Recommend whether the time frames for conducting factfinding hearings set forth in § 16-2310(e) should be adjusted; and

"(3) Make any other recommendations its authors consider appropriate."

Sec. 3. Applicability.

Section 2(b) shall apply as of January 15, 2008.

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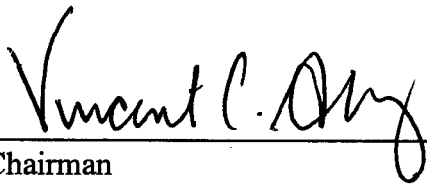
## Sec. 4. Fiscal impact statement.

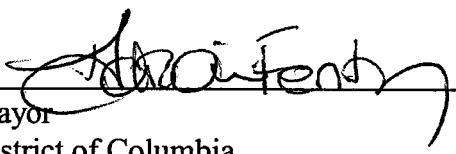
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
February 5, 2008